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THE LAW
RELATING TO
FACTORIES AND WORKSHOPS.

THE LAW
RELATING TO
FACTORIES AND WORKSHOPS

AS AMENDED AND CONSOLIDATED BY THE

FACTORY AND WORKSHOP ACT, 1901.

*WITH ALL ORDERS, SPECIAL RULES, AND REQUIREMENTS
NOW IN FORCE; AND THE PROVISIONS OF THE TRUCK
ACTS, ELEMENTARY EDUCATION ACTS, AND OTHER
STATUTES AND REGULATIONS SO FAR AS THEY
AFFECT FACTORIES AND WORKSHOPS.*

BY

WILLIAM BOWSTEAD

OF THE MIDDLE TEMPLE AND SOUTH EASTERN CIRCUIT, BARRISTER-AT-LAW
AUTHOR OF "A DIGEST OF THE LAW OF AGENCY," "THE LAW
RELATING TO WORKMEN'S COMPENSATION," ETC., ETC., ETC.

LONDON:

SWEET & MAXWELL, LIMITED, 3, CHANCERY LANE,
Printers and Publishers.

NOVEMBER, 1901.

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BRADBURY, AGNEW, & CO. LD., PRINTERS,
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PREFACE.

THE various statutory provisions for the regulation of factories and workshops have now been consolidated, with certain amendments, by the Factory and Workshop Act, 1901. In the Introduction to this book I have summarised the alterations made by that Act in the existing law, some of which are of considerable importance, and in the following pages have set out the provisions of the Act, with explanatory notes to each section, containing numerous cross-references, and references to the reported cases on the subject, the Orders of the Secretary of State granting special exceptions from the general law, and making special provisions for particular classes of factories and workshops, being set out in the notes to the sections which deal with the subjects to which the Orders respectively relate.

The Special Rules now in force for trades and processes which have been certified to be dangerous or injurious to health are printed in the Appendix, together with the provisions of the Acts of 1891 and 1895, under which they were made and are enforced. Such of the provisions of the Truck Acts, Shop Hours Acts, and Elementary Education Acts, and of the Regulations of the Board of Education, as are material to the subject, are also set out in the Appendix.

For the purpose of facilitating reference to any particular point, or to the law relating to any particular class of factories or workshops, an exhaustive index has been added to the work.

W. BOWSTEAD.

November, 1901.

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INTRODUCTION.

ALL the existing Factory and Workshop Acts are repealed, and their provisions consolidated and re-enacted with modifications by the Factory and Workshop Act, 1901, which comes into operation on the 1st January, 1902.

Except with respect to Secs. 8, 9, 10, and 12, and the First Schedule, of the Act of 1891, and Secs. 12, 24 (3), and 28 of the Act of 1895, which relate to the making and enforcing of Special Rules for dangerous and unhealthy processes, and which are repealed as from a date to be fixed by the Secretary of State, the repeal takes effect as from the commencement of the Act of 1901.

The repeal does not affect the validity or operation of any Orders or Special Rules or requirements in force under any of the repealed enactments. All such Orders, Special Rules, and requirements will continue to have effect as if made in pursuance of the Act of 1901.

The provisions of the Acts of 1891 and 1895 which are repealed as from a date to be fixed by Order of the Secretary of State are set out in Appendix A., together with the Special Rules now in force with respect to dangerous and unhealthy processes. The Orders made under the repealed enactments, which, as already mentioned, continue in force as if made under the Act of 1901, are referred to in the notes to the sections of that Act which are substituted for the sections of the repealed Acts in pursuance of which the Orders were made.

In the application of the provisions of the Act of 1901

(hereinafter referred to as the Act), distinctions are made between—

Textile factories,
Non-textile factories,
Tenement factories,
Domestic factories,
Workshops,
Tenement workshops,
Men's workshops,
Women's workshops, and
Domestic workshops.

All of these various classes of factories and workshops, except domestic factories, domestic workshops, and men's and women's workshops, are defined by Sec. 149 and the Sixth Schedule.

“ Domestic factory ” and “ domestic workshop ” are defined by Sec. 115 as a private house, room, or place which, though used as a dwelling, is, by reason of the work carried on there, a factory or a workshop, as the case may be, within the meaning of the Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

Men's workshops are those which are conducted on the system of not employing therein any women, young persons, or children; and women's workshops those conducted on the system of not employing therein young persons or children. Children are defined by Sec. 156 as persons under the age of fourteen years, who have not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III. of the Act, and young persons as persons who have ceased to be children and are under the age of eighteen years.

Domestic factories and domestic workshops are exempted from various provisions of the Act by Sec. 111, and the regulations in that section as to the hours of

employment of women, young persons, and children in such factories and workshops are much less stringent than in the case of other factories and workshops. Where, however, any manufacture, process, or description of manual labour, which has been certified by the Secretary of State to be dangerous, is carried on in a domestic factory or workshop, all the provisions of the Act apply as if it were a factory or workshop other than a domestic factory or workshop.

It is further provided by Sec. 114 that the exercise in a private house or private room by the family dwelling therein, of manual labour in or incidental to straw plaiting, or pillow-lace making, or glove making, shall not of itself constitute the house or room a workshop within the meaning of the Act, with power to the Secretary of State to extend the exemption to other handicrafts of a similarly light character; and that the exercise in a private house or private room by the family dwelling therein, of manual labour in or incidental to the making of any article or part of any article; or the altering, repairing, ornamenting, or finishing of any article; or the adapting for sale of any article, shall not of itself constitute the house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

Men's workshops are, by Sec. 157, entirely exempted from the application of a considerable portion of the Act, and by Sec. 29 special provisions are made as to the hours of employment in women's workshops. Flax scutch mills which are conducted on the system of not employing young persons or children therein, and which are worked intermittently, and for periods not exceeding in the whole six months in any year, are also entirely exempt from the regulations of the Act with respect to the period of employment of women (Sec. 57).

In tenement factories the owner, as defined by Sec. 4 of the Public Health Act, 1875, instead of the occupier, is responsible for the observance, and punishable

for the non-observance, of many of the provisions of the Act (see Secs. 11, 14, 82, 87, and 88).

Laundries carried on by way of trade or for purposes of gain are, with certain exceptions, brought within the scope of the Act generally by Sec. 103, as if they were factories in cases where steam, water, or other mechanical power is used in aid of the laundry process, and workshops in cases where such power is not so used; but special provisions are made as to the hours of employment and meal-times for women, young persons, and children, and as to the overtime employment of women; and nothing in the Act applies to any laundry in which the only persons employed are—(a) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any other Act; or (b) inmates of an institution conducted in good faith for religious or charitable purposes; or (c) members of the same family dwelling there,—or in which not more than two persons dwelling elsewhere are employed.

The provisions of the Act with respect to—

- (A) The power of a court of summary jurisdiction to prohibit the use of ways, works, machinery, or plant which are in such a condition as to be a danger to life or limb (Sec. 17),
- (B) Notice and investigation of accidents (Secs. 19—22),
- (C) Regulations for dangerous trades (Secs. 79—86),
- (D) The powers of inspectors (Sec. 119), and
- (E) Penal compensation in the case of death or injury caused by neglect to observe the provisions of the Act (Sec. 136),

apply to—

Docks;

Wharves;

Quays;

Warehouses;

Machinery and plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal;

Premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the construction of a building or any structural work in connection with a building; and

Any line or siding used in connection with a factory or workshop, or with any place to which any of the provisions of the Act are applied, and not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900.

The provisions of the Act with respect to notice of accidents (Sec. 19) and the formal investigation of accidents (Sec. 22) also apply to—

- (A) Any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding; and
- (B) Any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages.

The Act applies to factories and workshops belonging to the Crown; and a factory or workshop belonging to or in the occupation of the Crown is not excluded from the operation of the Act by reason only that it is not carried on by way of trade or for the purpose of gain. But in case of any public emergency the Secretary of State may, by Order, exempt from the provisions of the Act, to the extent and during the period named by him, any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the Order (Sec. 150).

The Act of 1901, although mainly a consolidating Act, makes several important alterations in the previous law. The following is a summary of the principal amendments and new provisions in the Act:—

1. Adequate means are required to be provided for the drainage of floors in factories or workshops (Sec. 8).

2. Regulations are made with respect to steam boilers used for generating steam in any factory or workshop, or in any place to which any of the provisions of the Act apply (Sec. 11).

3. Local authorities are given power to make bye-laws providing for means of escape from fire in the case of any factory or workshop (Sec. 15).

4. The power of a court of summary jurisdiction to prohibit the use of a dangerous machine (Sec. 4 of the Act of 1895) is extended to cases where any part of the ways, works, machinery, or plant (including a steam boiler used for generating steam) is in a dangerous condition (Sec. 17).

5. New provisions are made with respect to the formal investigation of accidents where such an investigation is directed by the Secretary of State (Sec. 22).

6. In the case of creameries, the Secretary of State is given power to grant special exceptions as to the employment of women and young persons, and to allow their employment for not exceeding three hours on Sundays and holidays (Sec. 42).

7. The minimum age for the employment of children is raised from eleven to twelve years (Sec. 62).

8. Special regulations are made with respect to meals in factories or workshops where lead, arsenic, or any other poisonous substance is so used as to give rise to dust or fumes (Sec. 75 (2)).

9. New provisions are made with respect to the making and enforcing of regulations for dangerous and unhealthy trades (Secs. 79—86).

10. Further restrictions are made with respect to the use of underground bakehouses. No such bakehouse is to be used after the 1st January, 1904, unless certified by the local authority to be in every respect suitable for the purpose (Sec. 101).

11. The application of certain provisions to machinery and plant is extended to all machinery and plant used in the process of loading or unloading or coaling any ship

in any dock, harbour, or canal; and "plant" is defined as including any gangway or ladder used by any person employed to load or unload or coal a ship (Sec. 104).

12. Certain provisions of the Act are applied to private railway lines and sidings used in connection with any factory or workshop, or with any place to which any of the provisions of the Act are applied (Sec. 106).

13. The provisions of the Acts of 1891 and 1895 with respect to lists of outworkers are amplified and extended to every place from which any work is given out. Copies of the lists are now required to be sent twice yearly to the district council instead of to the factory inspector (Sec. 107).

14. The provisions with respect to the employment of persons in unwholesome premises (Sec. 5 of the Act of 1895) are extended to every district, without reference to the number or distribution of the population, and the district council is substituted for the factory inspector (Sec. 108).

15. The district council may forbid work of certain kinds to be given out to any person living or working in a house in which any person is, or has been, suffering from any infectious disease (Sec. 110).

16. Where any dangerous process is carried on in any domestic factory or workshop, all the provisions of the Act apply as if it were a factory or workshop other than a domestic factory or workshop (Sec. 112).

17. Further regulations are made with respect to particulars of work and wages in the case of pieceworkers, and such regulations may, by Order of the Secretary of State, be extended to outworkers (Sec. 116).

18. Periodical returns as to persons employed are required to be made to the Chief Inspector of Factories instead of the annual returns to the inspector of the district required by Sec. 34 of the Act of 1895, and such returns may be required by the Secretary of State to be made by the occupier of any place to which any of the provisions of the Act apply (Sec. 130).

19. District councils are to keep registers of all workshops in their district (Sec. 131).

20. The medical officer of health is required, in his annual report to the district council, to report on the administration of the Act in workshops and workplaces, and to send a copy of such report to the Secretary of State (Sec. 132).

21. Electrical stations as defined in the Sixth Schedule are added to the list of non-textile factories; and dry cleaning, carpet beating, and bottle-washing works, to the list of non-textile factories and workshops (Sched. VI.).

In Appendix B. are set out the Truck Acts, 1831 to 1896; the Shop Hours Act, 1892 to 1895; and Sec. 3 of the Prevention of Cruelty to Children Act, 1894; and in Appendix C. such parts of the Elementary Education Acts and Regulations of the Board of Education as are material to the subject of the employment of children in factories and workshops. The provisions of the Truck Acts and Elementary Education Acts are enforced in factories and workshops by factory inspectors.

A complete list of the notices, &c., required to be affixed in factories and workshops, and sent to inspectors under the Act, is given in Appendix D.

THE
FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. VII. c. 22.)

AN Act to consolidate with Amendments the Factory and
Workshop Acts. [17th August, 1901.]

Be it enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament
assembled, and by the authority of the same, as follows:—

PART I.

HEALTH AND SAFETY.

(i.) *Health.*

1.—(1.) The following provisions shall apply to every Sanitary condition of factory.
factory as defined by this Act (a), except a domestic
factory (b):—

- (A) It must be kept in a cleanly state ;
- (B) It must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance (c) ;
- (c) It must not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein (d) ;
- (D) It must be ventilated in such a manner as to render harmless, so far as is practicable, all the gases,

vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health (*e*).

38 & 39 Vict.
c. 55.

(2.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies (*f*).

(3.) For the purpose of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed (*g*).

(4.) Where it appears to the Secretary of State that in any class of factories, or parts thereof, the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order grant to that class of factories, or parts thereof, a special exception that the said provisions shall not apply thereto (*h*).

(5.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*i*).

(*a*) This section applies to all textile and non-textile factories as defined by Sec. 149, except domestic factories, and also to every laundry carried on by way of trade, or for purposes of gain, in which steam, water, or other mechanical power is used in aid of the

laundry process, except the laundries referred to in Sub-sec. 4 of Sec. 103 (Sec. 103 (1) d). Further sanitary regulations for bakehouses are made by Secs. 97 to 102, and further provisions for the protection of health in cotton cloth and other humid factories by Secs. 90 to 96.

(b) A domestic factory is a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory within the meaning of the Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on, and in which the only persons employed are members of the same family dwelling there.

(c) Secs. 8 and 9 make further provisions as to the drainage of floors, and as to the providing of proper accommodation in the way of sanitary conveniences.

(d) As to when a factory is deemed to be overcrowded so as to be dangerous or injurious to health, see Sec. 3.

(e) Sec. 6 requires a reasonable temperature to be maintained in all the workrooms of any factory or workshop, and empowers the Secretary of State to direct that thermometers be provided. As to ventilation, see also Sec. 7, and as to temperature and ventilation in cotton cloth factories, Sec. 94. In laundries and certain other factories and workshops ventilation by fan or other mechanical means must be provided (Secs. 74, 103 (3)). By Sec. 58 the Secretary of State is given power to make the adoption of special means of ventilation a condition of employment in pursuance of special exceptions.

(f) The effect of excluding the operation of Sec. 91 of the Public Health Act, 1875, in the case of factories to which this section applies is that, in the matter of cleanliness, ventilation, and overcrowding, the supervision of factories is exclusively in the hands of factory inspectors appointed under this Act. In the case of workshops and workplaces such supervision is in the hands of the sanitary authority, subject, however, to the intervention of a factory inspector in the event of default on the part of the sanitary authority (see Secs. 4 and 5). In Scotland and Ireland factories to which this section applies are also excluded from the corresponding provisions of Sec. 16 of the Public Health (Scotland) Act, 1897, and Sec. 107 of the Public Health (Ireland) Act, 1878, with respect to cleanliness, ventilation, and overcrowding (Secs. 159 (17), 160 (11)). The provisions of Secs. 97 to 101 of this Act with respect to bakehouses are enforceable by the sanitary authority in the case of retail bakehouses which are not factories, and in the case of wholesale bakehouses, or bakehouses which are factories, by the factory inspector (Sec. 102). See, further, on the subject of this note, note (b) to Sec. 2, p. 7, *post*.

(g) In the case of a tenement factory (for definition, see Sec. 149),

the owner, instead of the occupier, is liable for the observance of the provisions of this sub-section with respect to limewashing and washing the interior of the factory, so far as they relate to any engine-house, passage, or staircase, or to any room let to more than one tenant (Sec. 87 (1) i). As to the limewashing, painting, and washing of bakehouses, see Sec. 99.

(h) The Secretary of State has issued Orders granting special exceptions to the regulations as to the limewashing and washing of factories. These Orders were made under Sec. 33 of the Factory and Workshop Act, 1878, but by virtue of Sec. 161 (2) of this Act, they remain in force, notwithstanding the repeal of the Act of 1878, as if they had been made under this section.

The Orders are as follows :—

An Order dated November 16th, 1895, granting to the whole of the non-textile factories specified in Sched. A. to the Order, and to such non-textile factories and parts of non-textile factories as are specified in Sched. B. thereto, a special exception that the regulations as to limewashing and washing shall not apply thereto :

Provided nevertheless as to both Sched. A. and Sched. B. that nothing in the Order shall be taken to affect the obligation of keeping a factory in a cleanly state :

Provided also, as to Sched. B. :—

(1.) That the special exception shall not apply to such factory or part of a factory as does not afford clear 300 cubic feet for each person employed therein.

(2.) That if it appear to an inspector that any factory or part of a factory for which this exception has been granted is not in a cleanly state, he may, by written notice, require the occupier to limewash or wash the same, and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such factory or part of a factory.

SCHEDULE A.

The whole of the following non-textile factories :—

- Blast furnaces.
- Copper mills.
- Iron mills.
- Distilleries.
- Breweries.
- Sugar factories.
- Cement works.
- Manure works.
- Stone and marble works.

Paint, colour, and varnish works.

Chemical works.

Works in which alkali is used.

Glass factories.

Flax scutch mills in which neither children nor young persons are employed, and which are worked intermittently for not more than six months in the year.

Non-textile factories in which there are no glazed windows.

SCHEDULE B.

Foundries other than foundries in which brass mixing or brass casting is carried on.

Parts of non-textile factories as herein-after mentioned :—

1. Such ware-rooms or other rooms in any non-textile factory as are used for the storage of articles (whether on shelves or otherwise) and not for the constant carrying on therein of any manufacturing process or handicraft.
2. Such parts of any non-textile factory as are subject to the influence of steam evolved in the process of manufacture.
3. Such parts of any non-textile factory as are places in which pitch, tar, or like material is used.
4. Such parts of any non-textile factory as are places in which unpainted or unvarnished wood is manufactured.
5. Such parts of any non-textile factory as are places in which any metal other than brass is moulded, cast or founded.
6. Such ceilings or tops of rooms in any non-textile factory as are of slate or iron or are at least twenty feet from the floor.
7. All ceilings or tops of rooms in any non-textile factory in which any of the following occupations are carried on :—

Print works.

Bleach works.

Dye works.

Engineering and machine shops.

Agricultural implement making.

Coachmaking.

Fellmongers, curriers, tanners.

Making of aerated water.

Making of preserved fruit, sweetmeats, bonbons.

Engraving.

Manufacture of starch, soap, candles.

Corn flour mills.

Manufacture of watch movements, shaving, boring, turning, and fitting of brass.

An Order dated February 8th, 1896, granting to the following non-textile factories:—

Shipbuilding works,

Gun factories,

Engineering and machine shops,

a special exception that the said regulations as to limewashing and washing shall not apply thereto;

Provided—

(1.) That the special exception shall not apply to such part of a factory as does not afford clear 2,500 cubic feet for each person employed therein;

(2.) That nothing in this Order shall be taken to affect the obligation of keeping a factory in a cleanly state, as prescribed by Sec. 3 of the said Act;

(3.) That if it appear to an inspector that any part of a factory to which this exception applies is not in a cleanly state, he may, by written notice, require the occupier to limewash or wash the same; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such part of a factory.

(i) For penalty, see Sec. 135. In the case of tenement factories the liability for non-observance of the provisions of this section with respect to cleanliness, freedom from effluvia, overcrowding and ventilation, and so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to limewashing and washing the interior of the factory, is imposed on the owner instead of the occupier (Sec. 87 (1) i).

2.—(1.) The provisions of section ninety-one of the Public Health Act, 1875 (*a*), with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall apply to every factory, workshop, and workplace, except any factory to which the last preceding section applies (*b*).

(2.) Every workshop and every workplace within the meaning of the Public Health Act, 1875 (*a*), must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health (*c*).

(3.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any district council (*d*) that the limewashing, cleansing, or purifying, of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the council shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same, or part thereof, as the case may require (*e*).

(4.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the council may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default (*e*).

(5.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies (*f*).

54 & 55 Vict.
c. 76.

(*a*) For Sec. 91 of the Public Health Act, 1875, in Scotland, read Sec. 16 of the Public Health (Scotland) Act, 1897, and in Ireland, Sec. 107 of the Public Health (Ireland) Act, 1878 (Secs. 159 (17) and 160 (11) (13)).

(*b*) By Sec. 91 (6) of the Public Health Act, 1875, it is provided that any factory, workshop or workplace (*not already under the operation of any general Act for the regulation of factories or bake-houses*: these words were repealed by the Factory and Workshop Act, 1878) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein . . . shall be deemed to be nuisances liable to be dealt with summarily in manner provided by the Act. Similar provisions are made by the sections referred to in note (*a*), *supra*, of the Public Health Acts for Scotland and Ireland; and the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1878, apply for the purposes of this Act to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed (Sec. 160 (12)).

This section applies to domestic factories, as defined by Sec. 115, and to all workshops and workplaces, including domestic workshops, as defined by Sec. 149, except workshops or workplaces to which the Public Health (London) Act, 1891, applies; and also to certain laundries in which mechanical power is not used in aid of the laundry process (see Sec. 103). The effect of the section is that with regard to cleanliness, ventilation, and overcrowding, all such places are under the control of the sanitary authority; the intention being that the supervision and enforcement of sanitary regulations in factories, other than domestic factories, should be in the hands of inspectors under this Act, and in domestic factories and workshops, in the hands of the local authority. It is provided by Sec. 125 that for the purpose of their duties with respect to workshops and workplaces, the district council and their officers shall have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector under this Act. In the case of workshops belonging to or in the occupation of the Crown, the powers conferred on the district council or other local authority are, however, to be exercised by an inspector under this Act (Sec. 150 (3)).

In the event of the district council making default in enforcing any of the provisions of the Act, or of the law relating to public health in so far as it affects factories, workshops, or workplaces, an inspector under this Act may be authorised by the Secretary of State to take, during a specified period, such steps as appear necessary or proper for enforcing such provisions, and the inspector may then take the like proceedings for that purpose as might have been taken by the district council, and will be entitled to recover from the district council any expenses incurred (Sec. 4). An inspector is also entitled, without any authority from the Secretary of State, to serve notice in writing on the district council of any act, neglect, or default in relation to a factory or workshop which is punishable or remediable under the law relating to public health, and in default of proceedings being taken by the council within one month of such notice, may himself take the necessary proceedings, and recover from the district council any expenses incurred, provided they were not incurred in unsuccessful proceedings (Sec. 5).

As to overcrowding and ventilation, see also Secs. 3 and 7. The provisions of Sec. 6 with respect to temperature are enforceable in workshops as well as in factories by an inspector under this Act. The provisions of Secs. 97 to 102 with respect to bakehouses are enforceable in the case of retail bakehouses, not being factories, by the district council, and in the case of other bakehouses by an inspector.

(c) As to the drainage of floors and the providing of proper accommodation in the way of sanitary conveniences, see Secs. 8 and 9.

(d) The expression "district council" includes the council of a county borough (Sec. 154), and in Scotland means the local authority under the Public Health (Scotland) Act, 1897.

(e) As to the power of the Secretary of State, or of an inspector after notice to the district council, to act in default of the district council, see Secs. 4 and 5; and as to the limewashing, painting, and washing of bakehouses, see Sec. 99.

(f) The Public Health (London) Act, 1891, contains the following provisions:—

Sec. 2.—(1.) "For the purposes of this Act—

(g) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and

(i.) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earthcloset, watercloset, urinal, or other nuisance, or

(ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or

(iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

shall be nuisances liable to be dealt with summarily under this Act.

"(2.) Provided that—

(i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purpose of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health; and

(ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the Court shall have regard to the circumstances of such other user."

Sec. 25.—(1.) "Where, on a certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop

(other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served."

(2.) "This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop."

As to the power of a factory inspector to enforce these provisions in default of the sanitary authority, either in pursuance of an Order of the Secretary of State, or after notice to the sanitary authority, see Secs. 4 and 5, and *Tracey v. Pretty* [1901] 1 K. B. 444.

Overcrowding
of factory or
workshop.

3.—(1.) A factory shall for the purposes of this Act, and a workshop shall for the purposes of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.

(2.) Provided that the Secretary of State may, by Special Order, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may, by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) Where a workshop or workplace, not being a

domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may by Special Order modify the proportion of cubic feet of space prescribed by this section, and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order.

(4.) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

This section applies to all factories and workshops as defined by Sec. 149, including domestic factories and domestic workshops; and also to all laundries carried on by way of trade, or for purposes of gain, except the laundries mentioned in Sub-sec. 4 of Sec. 103 (Sec. 103 (1) d). The provisions of the section are enforceable in the case of laundries in which mechanical power is used in aid of the laundry process, and factories other than domestic factories, by factory inspectors; and in the case of laundries in which mechanical power is not used, domestic factories, workshops, and workplaces, by the district council or other local authority, but subject to the power of the Secretary of State or a factory inspector to interfere in case of default by the local authority (see note (*f*) to Sec. 1, and note (*b*) to Sec. 2, *ante*, pp. 3, 7, 8). No Special Order is at present in force under this section. Domestic workshop is defined by Sec. 115.

4.—(1.) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating to public health in so far as it affects factories, workshops, and workplaces, have not been carried out by any district council, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

Power of Secretary of State to act in default of local authority

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and workplaces as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public

health, or for punishing or remedying any default as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses in and about any proceedings as he may incur, and as are not recovered from any other person.

See notes (*b*) and (*f*) to Sec. 2, *ante*, pp. 7—10, and note to Sec. 9, *post*, p. 16. As to the powers of inspectors, see Sec. 119. "District council" includes the council of a county borough (Sec. 154), and, as regards the city of London, refers in this section to the Court of Common Council, and as regards any other part of the administrative county of London, to the council of the metropolitan borough (Sec. 153 (4)). In Scotland, the expression "district council" means the local authority under the Public Health (Scotland) Act, 1897 (Sec. 159 (2)).

Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.

5.—(1.) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, water-closet, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop, is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of the act, neglect, or default, to the district council in whose district the factory or workshop is situate, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2.) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the district council.

(3.) Where notice of an act, neglect, or default, is given by an inspector under this section to a district council, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the district council might have

taken, and shall be entitled to recover from the district council all such expenses in and about the proceedings as the inspector incurs and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

See notes (b) and (f) to Sec. 2, *ante*, pp. 7—10, and note to Sec. 9, *post*, p. 16. As to the meaning of district council in reference to London, and to county boroughs, and Scotland, see note to Sec. 4, *ante*, p. 12.

If, after notice from a factory inspector under this section, the local authority does not take proceedings, the factory inspector may give the like notices to the owner or occupier of the factory or workshop, and take the like proceedings against him in every respect as the local authority might have taken. In *Tracey v. Pretty* [1901] 1 K. B. 444, a factory inspector gave notice to the sanitary authority of a district in which Sec. 22 of the Public Health Acts Amendment Act, 1890, was in force, of a deficiency of sanitary accommodation in a factory within the district (see Sec. 9, *post*); and, the sanitary authority not having taken any proceedings within a reasonable time, the inspector gave notice to the occupiers of the factory requiring them to erect certain specified sanitary conveniences, and this notice not being complied with, summoned them before the justices. The justices dismissed the summons on the ground that the existing sanitary accommodation was suitable and sufficient, and that the sanitary authority had made all due inquiry and found it to be suitable and sufficient. On appeal, it was held that the notice given by the factory inspector to the respondents had for all purposes the same effect as a notice given by the sanitary authority; and that any question as to the validity of the requirements of the inspector must be raised, if at all, by an appeal to Quarter Sessions under Sec. 7 (1) (a) of the Act. The case was accordingly sent back to the justices for the imposition of a penalty under Sec. 22 (3) of the Act.

6.—(1.) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.

Temperature
in factories
and work-
shops.

(2.) The Secretary of State may, by Special Order, direct with respect to any class of factories or workshops

that thermometers be provided, maintained, and kept in working order, in such place and position as may be specified in the order.

(3.) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act.

This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (1)). It applies to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) d). The provisions of the section are enforceable by factory inspectors in workshops and workplaces, as well as in factories. As to the penalty for a contravention of the section, see Sec. 135. Special regulations as to temperature and the providing of thermometers in cotton cloth and other humid factories are made by Secs. 90 to 96.

Ventilation.

7.—(1.) In every room in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained (*a*).

(2.) The Secretary of State may, by Special Order, prescribe a standard of sufficient ventilation for any class of factories or workshops, and that standard shall be observed in all factories and workshops of that class, and an order made under this power may supersede any provision of this Act or order of the Secretary of State with respect to ventilation in cotton cloth factories (*b*).

(3.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act (*c*), and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health (*d*).

(4.) If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought to be borne by the

owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties (e).

(a) This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (1)), nor to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) e). In laundries worked by steam, water, or other mechanical power, a fan or other proper means of ventilation must be provided (Sec. 103 (3)), and in certain factories and workshops an inspector may direct that a fan or other mechanical means of ventilation shall be used (Sec. 74).

(b) As to temperature and ventilation in cotton cloth and other humid factories, see Secs. 90 to 96.

(c) For penalty, see Sec. 135.

(d) See note (b) to Sec. 2, *ante*, pp. 7, 8.

(e) The owner of a tenement factory, instead of the occupier, is liable for the supply of pipes or other contrivances necessary for working the fan or other means for the prevention of the inhalation of dust, gas, vapour, or other impurity (Sec. 87 (1) iv.); and in the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner may, if the Secretary of State so directs, be substituted for the occupier for the purpose of the requirements of this section or of Sec. 94 or of any Order of the Secretary of State with respect to ventilation (Sec. 87 (3)).

8.—(1.) In every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet. Drainage of floors.

(2.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

This section does not apply to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) e), nor to workshops

conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (1)). It applies to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) d). As to the drainage of the floors of laundries worked by steam, water, or other mechanical power, see also Sec. 103 (3) c. As to the enforcement of the provisions of this section, see notes (b) and (f) to Sec. 2, *ante*, pp. 7—10. The penalty in case of a factory is fixed by Sec. 135.

Sanitary conveniences in factories and workshops.

9.—(1.) Every factory and workshop must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are or are intended to be employed or in attendance, with proper separate accommodation for persons of each sex.

(2.) The Secretary of State shall, by Special Order, determine what is sufficient and suitable accommodation within the meaning of this section.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(4.) This section does not apply to the administrative county of London, or to any place where section twenty-two of the Public Health Acts Amendment Act, 1890, is in force.

53 & 54 Vict. c. 59.

The Public Health Act, 1875, by Sec. 38, provides that where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earthclosets, or privies and ashpits for the separate use of each sex; and that any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding £20, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

The Public Health Acts Amendment Act, 1890, by Sec. 22, which

only applies in districts where the provisions of the Act have been adopted by the local authority, provides as follows :—

“22.—(1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

“(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

“(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding £20, and to a daily penalty not exceeding forty shillings.

“(4.) Where this section is in force, section 38 of the Public Health Act, 1875, shall be repealed.”

The Public Health (London) Act, 1891, by Sec. 38, provides that—

“(1.) Every factory, workshop, and workplace, whether erected before or after the passing of the Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

“(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notice fails to comply therewith he shall be liable to a fine not exceeding £20, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.”

The result is that in the administrative county of London, and in places where Sec. 22 of the Public Health Acts Amendment Act, 1890, is in force, the provisions with respect to sanitary conveniences in factories as well as workshops can only be enforced by a factory inspector in case of default on the part of the local authority, and

either in pursuance of an Order of the Secretary of State under Sec. 4, or after notice to the local authority under Sec. 5; whereas in places which are outside the scope of the Public Health (London) Act, 1891, or Sec. 22 of the Public Health Acts Amendment Act, 1890, such provisions may be enforced either by the local authority under Sec. 38 of the Public Health Act, 1875, or by a factory inspector under this section. If a factory inspector proceeds under this section he can only do so against the occupier, whereas the local authority under the Public Health Acts can proceed against the owner or the occupier. It will, therefore, probably be the usual course for a factory inspector, instead of proceeding under this section, to give notice under Sec. 5 to the local authority. Then, if the local authority makes default in enforcing the provisions of the Public Health Act, the factory inspector can himself take the necessary proceedings for that purpose against either the owner or the occupier, and recover the expenses from the local authority (see Sec. 5 and note, *ante*, pp. 12, 13).

This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157). It applies to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) d). As to the penalty for a contravention of the provisions of the section, see Sec. 135. See also Sec. 75 as to providing lavatories in certain dangerous trades, and Sec. 94 (5) as to cloak-rooms in cotton cloth factories.

(ii.) *Safety.*

Fencing of
machinery.

10.—(1.) With respect to the fencing of machinery (*a*) in a factory (*b*) the following provisions shall have effect:—

- (A) Every hoist or teagle, and every fly-wheel directly connected with the steam or water or other mechanical power (*c*), whether in the engine-house or not, and every part of any water wheel or engine worked by any such power (*c*), must be securely fenced (*d*); and
- (B) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race (*d*); and
- (c) All dangerous parts (*e*) of the machinery, and every part of the mill gearing (*f*), must either be securely fenced, or be in such position or of such construction as to be equally safe to every

person employed or working in the factory as it would be if it were securely fenced (*d*); and

(D) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine (*g*).

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*h*).

(a) The expression "machinery" includes any driving strap or band (Sec. 156).

(b) This section applies to laundries carried on by way of trade, or for purposes of gain, in which steam, water or other mechanical power is used in aid of the laundry process, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) d). For definition of factory, see Sec. 149.

(c) The expression "mechanical power" includes such motive powers as gas or electricity or the like, but machinery worked solely by manual labour is not machinery worked by mechanical power within the meaning of the Act (*Wrigley v. Bagley* [1901] 1 K. B. 780; *Brown v. Herriot*, 1899, 33 Ir. T. L. R. 123).

(d) Sub-secs. (A) and (B) require that the machinery therein mentioned should be fenced, whether dangerous or not, whereas under Sub-sec. (c) it is only necessary that dangerous machinery should be fenced. It would be no answer to proceedings for not fencing machinery as required by Sub-sec. (A) or (B) to say that all danger of injury was sufficiently guarded against by the position and situation of the machinery in the factory (see *Doel v. Sheppard*, 1855, 5 E. & B. 856).

(e) The words "all dangerous parts of the machinery" in Sub-sec. (c) apply to the dangerous parts of all the machinery in the factory, and are not restricted to such of the machinery as supplies or conveys the motive power to the other machines (*Redgrave v. Lloyd* [1895] 1 Q. B. 876). It is not necessary, in order to be dangerous within the meaning of the Act, that the machinery should be in itself dangerous in the ordinary course of careful working. "It seems to me that machinery or parts of machinery is and are dangerous if in the ordinary course of human affairs danger may be reasonably anticipated from the use of them without protection.

No doubt it would be impossible to say that, because an accident had happened once, therefore the machinery was dangerous. On the other hand, it is equally out of the question to say that machinery cannot be dangerous unless it is so in the course of careful working. In considering whether machinery is dangerous, the contingency of carelessness on the part of the workman in charge of it, and the frequency with which that contingency is likely to arise, are matters that must be taken into consideration. It is entirely a question of degree" (per WILLS, J., in *Hindle v. Birtwistle* [1897] 1 Q. B. 192, at p. 195).

(f) The expression "mill-gearing" comprehends "every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process" (Sec. 156).

(g) Further regulations are made by Sec. 12 as to self-acting machines, and by Sec. 13 as to women, young persons or children cleaning machinery while in motion. See also Sec. 17 as to the power of a court of summary jurisdiction to prohibit the use of dangerous machinery.

(h) See Sec. 135 for the penalty for neglecting to fence machinery as required by this section, and Sec. 136 for the penalty where any person is killed or injured in consequence of such neglect. In the case of tenement factories (for definition, see Sec. 149) the owner, instead of the occupier, is liable for the observance of the provisions of the section, and for the penalties for non-observance thereof, including the penalty under Sec. 136, except so far as relates to such parts of the machinery as are supplied by the occupier (Sec. 87 (1) ii.).

Steam boilers.

11.—(1.) Every steam boiler used for generating steam in a factory or workshop, or in any place to which any provisions of this Act apply (a), must, whether separate or one of a range—

(A) have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and

(B) be examined thoroughly by a competent person at least once in every fourteen months.

(2.) Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.

(3.) A report of the result of every such examination

in the prescribed (*b*) form, containing the prescribed (*b*) particulars, shall within fourteen days be entered into or attached to the general register (*c*) of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

(4.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*d*).

(5.) This section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty.

(6.) For the purposes of this section, the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier, and he shall register the report referred to in this section (*e*).

(*a*) "Any place to which any of the provisions of this Act apply." Some of the provisions of the Act are applied to certain laundries by Sec. 103; to every dock, wharf, quay and warehouse, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour or canal by Sec. 104; to certain machinery and buildings by Sec. 105, and to certain railway sidings by Sec. 106.

(*b*) The expression "prescribed" means prescribed for the time being by the Secretary of State.

(*c*) See Sec. 129.

(*d*) See Sec. 135 for the penalty, and Sec. 136 for the penalty in case of death or injury resulting.

(*e*) For definitions of tenement factory and tenement workshop, see Sec. 149; and for definition of owner, see Sec. 156 (1).

12.—(1.) In a factory erected on or after the first day of January one thousand eight hundred and ninety-six, the traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which

Regulations
as to self-
acting
machines.

any person is liable to pass, whether in the course of his employment or otherwise. Provided that nothing in this sub-section shall prevent any portion of the traversing carriage of any self-acting cotton spinning or woollen spinning machine being allowed to run out within a distance of twelve inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.

(2.) A person employed (a) in a factory must not be allowed to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3.) A woman, young person, or child, must not be allowed to work (b) between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power (c).

(4.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with this Act (d), and any person allowed to be in the space aforesaid or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act (e).

(a) As to the meaning of employment in a factory or workshop for the purposes of the Act, see Sec. 152, and note thereto.

(b) See *Prior v. Slathwaite Spinning Co.* [1898] 1 Q. B. 881, referred to in the note to Sec. 152, *post*.

(c) See note (c) to Sec. 10, *ante*, p. 19.

(d) For penalty, see Secs. 135 and 136.

(e) For penalty, see Sec. 137.

Restrictions
on cleaning
when
machinery is
in motion.

13.—(1.) A child (a) must not be allowed to clean in any factory (b)—

(A) any part of any machinery (c); or

(B) any place under any machinery (c) other than overhead mill gearing (d),

while the machinery (*e*) is in motion by the aid of steam, water, or other mechanical power (*f*).

(2.) A young person (*g*) must not be allowed to clean any dangerous part (*h*) of the machinery in a factory (*b*) while the machinery (*e*) is in motion by the aid of steam, water, or other mechanical power (*f*); and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

(3.) A woman or young person (*g*) must not be allowed to clean such part of the machinery in a factory as is mill-gearing (*d*) while the machinery is in motion for the purpose of propelling any part of the manufacturing machinery.

(4.) A woman, young person, or child, allowed to clean in contravention of this section, shall be deemed to be employed contrary to the provisions of this Act (*i*).

(*a*) A "child" is a person under 13 years of age, or a person between 13 and 14 years of age who has not obtained the certificate of proficiency or attendance at school mentioned in Part III. of the Act (Sec. 156).

(*b*) This section applies to certain laundries (see Sec. 103 (1) d).

(*c*) The expression "machinery" includes any driving strap or band (Sec. 156).

(*d*) The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process (Sec. 156).

(*e*) "While the machinery is in motion" means while any part of the machine in question is in motion. A child must not be allowed to clean the fixed portion, which does not move, of any machine which is in motion by the aid of steam, water, or other mechanical power; and it is quite immaterial, in the case of a child, that the cleaning of the particular portion of the machinery is not in fact dangerous (*Pearson v. Belgian Mills Co.* [1896] 1 Q. B. 244).

(*f*) See note (*c*) to Sec. 10, *ante*, p. 19.

(*g*) A "young person" is a person who has ceased to be a child (see note (*a*), *supra*), and is under the age of 18 years (Sec. 156).

(h) As to the meaning of "dangerous," see note (e) to Sec. 10, *ante*, p. 19.

(i) For penalty, see Sec. 137; and as to the penalty where death or injury results from the neglect to observe the provisions of the Act, see Sec. 136.

Provision of means of escape in case of fire.

14.—(1.) Every factory of which the construction was not commenced on or before the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and every workshop of which the construction was not commenced before the first day of January, one thousand eight hundred and ninety-six, and in which more than forty persons are employed, must be furnished with a certificate from the district council (a) of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act (b); and it shall be the duty of the council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. The certificate must specify in detail the means of escape so provided.

(2.) With respect to all factories and workshops to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the district council (a) of every district from time to time to ascertain whether all such factories and workshops within their district are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the owner of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry them out before a specified date, and thereupon the owner shall, notwithstanding

any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and unless the requirements are complied with, the owner shall be liable to a fine not exceeding one pound for every day that the non-compliance continues (*c*).

(3.) In case of a difference of opinion between the owner of the factory or workshop and the council (*a*) under the last foregoing sub-section, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, and the award on the arbitration shall be binding on the parties thereto, and the notice of the council shall be discharged, amended, or confirmed in accordance with the award (*c*).

(4.) If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory or workshop is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

(5.) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to matters punishable or remediable under the law relating to public health but not under this Act, and those provisions shall apply accordingly (*d*).

(6.) The means of escape in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act (*b*).

(7.) For the purposes of this section the whole of a

tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier (e).

(8.) All expenses incurred by a district council (a) in the execution of this section shall be defrayed—

(A) In the case of an urban district council, as part of their expenses of the general execution of the Public Health Act, 1875 (f); and

(B) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875 (f);

and those expenses shall be charged to the contributory place in which the factory or workshop is situate (g).

(a) In the application of this section to the administrative county of London, the London County Council takes the place of the district council, and their expenses in the execution of the section are to be defrayed as part of their expenses in the management of the London Building Act, 1894 (Sec. 153 (1)). “District council” includes the council of a county borough (Sec. 154), and in Scotland means the local authority under the Public Health (Scotland) Act, 1897 (Sec. 159 (2)).

(b) For penalty, see Sec. 135.

(c) In *London County Council v. Lewis*, 1900, 69 L. J. Q. B. 277, the owner of a building had let the second, third, and fourth floors respectively before 1892, to separate tenants, each of whom during his tenancy had carried on a business of such a nature as to render the premises in which it was carried on, a factory. The tenants of the basement, and of the ground and first floors, carried on businesses which did not constitute their premises factories. More than forty persons were employed in each of the businesses carried on on the second, third, and fourth floors. It was held that the three upper floors were separate factories, and the building up to the first floor was not a factory or part of a factory, and therefore that neither the local authority (in this case the London County Council) nor an umpire appointed in an arbitration between the owner and the local authority had jurisdiction to require the owner to provide, as a means of escape in case of fire for the persons employed in the upper floors, a staircase which would encroach on the lower floors of the building. This case was decided under Sec. 7 of the Factory and Workshop Act, 1891, which is repealed by this Act, but is re-enacted in substantially the same terms by this section. See, however, Sub-sec. (7) as to tenement factories and tenement workshops.

(d) See Sec. 5 and note, *ante*, pp. 12, 13.

(e) For definitions of tenement factory and tenement workshop, see Sec. 149, and for definition of owner, see Sec. 156 (1).

(f) For Public Health Act, 1875, in Scotland, read the Public Health (Scotland) Act, 1897 (Sec. 159 (17)), and in Ireland, the Public Health (Ireland) Act, 1878 (Sec. 160 (13)). Expenses incurred under this section in Scotland are to be defrayed out of the public health general assessment, levied under the Public Health (Scotland) Act, 1897 (Sec. 159 (18)).

(g) This section applies to certain laundries (Sec. 103 (1) d).

15. Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eight-two to one hundred and eight-six of the Public Health Act, 1875, shall apply to any byelaws so made.

Byelaws
for means
of escape
from fire.

In the application of this section to the administrative county of London, the reference to a district council is to be construed as a reference to the London County Council; and the power of the London County Council under Sec. 164 of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height extends to all factories and workshops whether exceeding that height or not (Sec. 153 (2), (3)). In Scotland "district council" means the local authority under the Public Health (Scotland) Act, 1897, and Secs. 183 to 187 of that Act are to be substituted for Sec. 182 to 186 of the Public Health Act, 1875 (Sec. 159 (2), (17)). In Ireland, the corresponding sections are Secs. 219 to 223 of the Public Health (Ireland) Act, 1878 (Sec. 160 (13)).

This section applies to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) d).

16.—(1.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

Doors of
factory or
workshop
to open
from inside.

(2.) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight hundred and ninety-six, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (1)). It applies to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) d). For the penalty for contravention of the provisions of the section, see Sec. 135.

Power to
make order
as to
dangerous
machine.

17.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any part of the ways, works, machinery, or plant used in a factory or workshop (including a steam boiler used for generating steam), is in such a condition that it cannot be used without danger to life or limb, by order, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

(2.) Where a complaint has been made under this section, the court or a justice may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of the part of the ways, works, machinery, or plant, shall be liable to a fine not exceeding forty shillings a day during the contravention.

The provisions of this section apply to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions

mentioned in Sec. 103 (4) (Sec. 103 (1) d); to every dock, wharf, quay, and warehouse, and all machinery and plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal (Sec. 104); to premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building (Sec. 105 (1)); and to any line or siding not part of a railway which is used in connection with a factory or workshop, or with any place to which any of the provisions of the Act apply (Sec. 106). They do not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (1)).

As to the meaning of "Court of summary jurisdiction" in Scotland and Ireland, see Secs. 159 (5) and 160 (8).

18.—(1.) A court of summary jurisdiction (*a*) may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the use of that place for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

Power to make order as to unhealthy or dangerous factory or workshop.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any district council under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings under the foregoing provisions of this Act with respect to the enforcement of sanitary provisions in workshops, or with respect to matters punishable or remediable under the law relating to public health but not under this Act (*b*).

(3.) If there is any contravention of an order under this section, the occupier of the place shall be liable to a fine not exceeding forty shillings a day during the contravention (*c*).

(*a*) As to the meaning of "Court of summary jurisdiction" in Scotland and Ireland, see Secs. 159 (5) and 160 (8).

(b) See Secs. 4 and 5, and notes, *ante*, pp. 11—13.

(c) In case of a tenement factory as defined by Sec. 149, the owner is substituted for the occupier for the purpose of the provisions of this section.

(iii.) *Accidents.*

Notice of accidents causing death or bodily injury.

19.—(1.) Where there occurs in a factory or workshop (a) any accident which either—

(A) causes loss of life to a person employed (b) in the factory or workshop; or

(B) causes to a person employed (b) in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,

written notice shall forthwith be sent to the inspector for the district.

(2.) If the accident causes loss of life, or is produced either by machinery (c) moved by steam, water, or other mechanical power (d), or through a vat, pan, or other structure, filled with hot liquid or molten metal or other substance, or by explosion or by escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875 (e), to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon for the district (f).

38 & 39 Vict.
c. 17.

(3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) If any accident to which this section applies occurs to a person employed (b) in an iron mill (g) or blast furnace (h) or other factory or workshop where the occupier is not the actual employer of the person killed

or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

(a) The provisions of this and the following three sections are applied by Sec. 103 (1) d, to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4); by Sec. 104 to docks, wharves, quays, and warehouses, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal; by Sec. 105 (1) to premises on which machinery worked by mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building; and by Sec. 106 to certain railway lines and sidings. The provisions of this section and of Sec. 22 are applied by Sec. 105 (2) to buildings exceeding thirty feet in height, which are being constructed or repaired by means of a scaffolding, or in which more than twenty persons, not being domestic servants, are employed for wages.

This section does not apply to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) d), nor to any quarry, any part of which is more than twenty feet deep (Quarries Act, 1894 (57 & 58 Vict. c. 42), s. 3 (b)).

It has been held that the provisions of this and the following three sections only apply where an accident happens in a factory or workshop, or in any one of the places above-mentioned, and not where it happens outside (*Hall v. Snowden* [1899] 2 Q. B. 136). What is meant by an accident occurring *in* machinery or plant used in the process of loading or unloading or coaling a ship appears to be a somewhat difficult question.

(b) As to the meaning of "person employed" in a factory or workshop, see Sec. 152 (1).

(c) The expression "machinery" includes any driving strap or band (Sec. 156).

(d) See note (c) to Sec. 10, *ante*, p. 19.

(e) Sec. 63 of the Explosives Act, 1875, requires notice to be sent to a Government inspector whenever there occurs any accident by explosion or by fire in or about or in connection with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connection with any premises registered under the Act.

(f) Where there is no certifying surgeon for the factory or workshop, the notice must be sent to the poor law medical officer for the district (see Sec. 123).

(g) For definition of "iron mill," see Sched. VI. (11).

(h) For definition of "blast furnace," see Sched. VI. (9).

Investigation of and report on accidents by certifying surgeon.

20.—(1.) Where a certifying surgeon (*a*) receives in pursuance of this Act notice of an accident in a factory or workshop, he shall, with the least possible delay, proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof (*b*).

(2.) The certifying surgeon (*a*), for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed (*c*).

(*a*) See note (*f*) to Sec. 19.

(*b*) As to the fee for the investigation, see Sec. 124 (3).

(*c*) As to the powers of an inspector, see Sec. 119.

This section does not apply to any quarry, any part of which is more than twenty feet deep (Quarries Act, 1894, ss. 1, 3 (*b*)).

Inquest in case of death by accident in factory or workshop.

21.—(1.) Where a death has occurred by accident in a factory or workshop (*a*), the coroner shall forthwith advise the district inspector of the time and place of holding the inquest, and, unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, the coroner shall adjourn the inquest, and shall, at least four days before holding the adjourned inquest, send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(2.) Any relative of any person whose death may have been caused by the accident with respect to which the

inquest is being held, and any inspector, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop, shall be at liberty to attend at the inquest, and, either in person or by his counsel, solicitor, or agent, to examine any witness, subject nevertheless to the order of the coroner.

(a) See note (a) to Sec. 19, *ante*, p. 31. This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157).

22. Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop (a) and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions shall have effect :

Power to direct formal investigation of accidents.

- (1.) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation ;
- (2.) The person or persons so appointed (herein-after called " the court ") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned ;
- (3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector (b) under this Act, and in addition the following powers, namely :—

(A) Power to enter and inspect any place or building the entry or inspection whereof

- appears to the court requisite for the said purpose ;
- (B) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make ;
 - (c) Power to require the production of all books, papers, and documents which it considers important for the said purpose ;
 - (D) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :
- (4.) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record ; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of His Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses :
- (5.) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make :
- (6.) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act :
- (7.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation

under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

The Secretary of State may cause any special report of an inspector or any report of a court under this Part of this Act to be made public at such time and in such manner as he may think fit.

(a) See note (a) to Sec. 19, *ante*, p. 31.

(b) As to the powers of an inspector, see Sec. 119.

PART II.

This part of the Act does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157).

EMPLOYMENT.

(i.) *Hours and Holidays.*

23. A woman, young person, or child shall not be employed in a factory or workshop except during the period of employment herein-after mentioned.

Restrictions on period of employment of women, young persons, and children.

For the purposes of the Act, "woman" means a woman of the age of 18 years and upwards; "young person" means a person who has ceased to be a child and is under the age of 18 years; "child" means a person who is under the age of 14 years, and who has not, being of the age of 13 years, obtained a certificate of proficiency or attendance at school mentioned in Part III. (Sec. 156). For definitions of "factory" and "workshop," see Sec. 149; and as to the meaning of employment in a factory or workshop, see Secs. 152 and 158. As to the hours of employment and holidays in laundries, see Sec. 103.

24. With respect to the employment of women and young persons in a textile factory (a), the following regulations shall be observed (b) :—

Hours of employment in textile factories— young persons and women.

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and

- end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ;
- (2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning ;
- (3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—
- (A) If not less than one hour is allowed for meals, shall end at noon as regards employment in any manufacturing process, and at half-past twelve o'clock in the afternoon as regards employment for any purpose whatever ; and
- (B) If less than one hour is allowed for meals, shall end at half-past eleven o'clock in the forenoon as regards employment in any manufacturing process, and at noon as regards employment for any purpose whatever ;
- (4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past twelve o'clock in the afternoon as regards any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever ;
- (5.) There shall be allowed for meals during the said period of employment in the factory—
- (A) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon ;
- (B) on Saturday not less than half an hour ;
- (6.) A woman or young person shall not be employed continuously (c) for more than four hours and a half, without an interval of at least half an hour for a meal.

(a) For definition of textile factory, see Sec. 149. In print works and bleaching and dyeing works, which are non-textile factories, the period of employment and times allowed for meals

are the same as in textile factories, except that women, young persons, and children may be employed continuously for five hours without an interval of half an hour for a meal (Sec. 28).

(b) Special exceptions from the provisions of this section are allowed in certain cases by Secs. 37, 39, 47 and 52. For the penalty for a contravention of provisions of the section, see Sec. 137.

(c) As to the meaning of continuous employment, see Sec. 156 (2).

25. With respect to the employment of children (a) in a textile factory (b), the following regulations shall be observed (c):—

Hours of
employment
in textile
factories—
children.

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only.
- (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person (d), and end either—
 - (A) at one o'clock in the afternoon ; or
 - (B) if the dinner time begins before one o'clock, at the beginning of dinner time ; or
 - (c) if the dinner time does not begin before two o'clock, at noon.
- (3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin either—
 - (A) at one o'clock in the afternoon ; or
 - (B) at any later hour at which the dinner time terminates ; or
 - (c) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon ;
 and shall end at the same hour as if the child were a young person (d).
- (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person (e).
- (5.) A child shall not be employed in two successive periods of seven days in the morning set, nor in two

successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half.

- (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person (*f*), but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks.
- (7.) A child shall not on either system be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal (*g*).

(*a*) For definition of "child," see Sec. 156.

(*b*) See note (*a*) to Sec. 24, *ante*, p. 36.

(*c*) For penalty, see Sec. 137.

(*d*) See Sec. 24 (1).

(*e*) Sec. 24 (2), (3) and (4).

(*f*) Sec. 24.

(*g*) For definition of continuous employment, see Sec. 156 (2). In certain textile factories a five hours' spell without an interval for a meal is allowed as a special exception (see Sec. 39).

Hours of
employment
in non-textile
factories and
workshops—
young persons
and women.

26. With respect to the employment of women and young persons in a non-textile factory (*a*), and a workshop (*a*), the following regulations shall be observed:—

- (1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) (*b*) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening.
- (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) (*b*) begin at six o'clock in the morning and end at two o'clock in the

afternoon, or begin at seven o'clock in the morning and end at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon.

(3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(A) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(B) on Saturday not less than half an hour.

(4.) A woman or young person in a non-textile factory and a young person in a workshop shall not be employed continuously (c) for more than five hours without an interval of at least half an hour for a meal.

(a) For definition of "non-textile factory" and "workshop," see Sec. 149. The provisions of this and the following section do not apply to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (1)); nor to print works or bleaching and dyeing works (Sec. 28). As to the penalty for contravening the provisions of the section, see Sec. 137.

(b) Sec. 29 makes special provisions as to employment in women's workshops, that is to say, workshops conducted on the system of not employing young persons or children, and Sec. 30 as to the hours of employment on a Saturday of any woman or young person who has not been actually employed for more than eight hours on any day in the week.

For other special exceptions, see Sec. 36 (employment from 9 a.m. to 9 p.m. in certain cases); Sec. 38 (employment of male young persons in bakehouses); Sec. 41 (fish and fruit preserving); Sec. 42 (creameries); Sec. 43 (substitution of another day for Saturday in certain cases); Sec. 44 (Saturday employment in Turkey red dyeing); Sec. 47 (factories and workshops of Jewish occupiers); Sec. 49 (overtime employment of women for press of work); Sec. 50 (overtime employment of women on perishable articles); Sec. 51 (overtime employment on incomplete process); Sec. 52 (overtime in factories driven by water power); Sec. 53 (overtime in Turkey red dyeing and open-air bleaching); Secs. 54 and 55 (night employment of male young persons of 14 in certain

cases); Sec. 56 (night employment of male young persons of 16 in printing newspapers); Sec. 57 (intermittent employment of women in flax scutch mills which are conducted on the system of not employing young persons or children).

(c) For definition of "continuous employment," see Sec. 156 (2).

Hours of
employment
in non-textile
factories and
workshops—
children.

27. With respect to the employment of children (a) in a non-textile factory (b) and a workshop (b), the following regulations shall be observed (c) :—

- (1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only.
- (2.) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—
 - (A) at one o'clock in the afternoon; or
 - (B) if the dinner time begins before one o'clock at the beginning of dinner time; or
 - (C) if the dinner time does not begin before two o'clock, at noon.
- (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin either—
 - (A) at one o'clock in the afternoon; or
 - (B) at any hour later than half-past twelve at which the dinner time terminates; or
 - (C) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon;
 and shall end on Saturday at two o'clock in the afternoon, and on any other day at six or seven or eight o'clock in the evening, according as the period of employment for children in the morning set began at six or seven or eight o'clock in the morning.
- (4.) A child shall not be employed in two successive

periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week.

(5.) When a child is employed on the alternate day system—

(A) The period of employment for such a child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening ;

(B) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning and end at two o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon ;

(C) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour ; but

(D) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(6.) A child shall not on either system be employed continuously (d) for more than five hours without an interval of at least half an hour for a meal.

(a) For definition of child, see Sec. 156 (1).

(b) See note (a) to Sec. 26, *ante*, p. 39.

(c) Special exceptions from the provisions of this section are allowed in certain cases by Secs. 36, 43 and 51.

(d) As to the meaning of continuous employment, see Sec. 156 (2).

28. In print works (a) and bleaching and dyeing works (b) the period of employment for a woman, young person, and child, and the times allowed for meals, shall

Hours of
employment
in print
works and

bleaching
and dyeing
works.

be the same as if the works were a textile factory (*c*), and the regulations of this Act with respect to the employment of women, young persons, and children in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories (*c*); save that nothing in this section shall prevent the continuous employment of a woman, young person, or child in the works for five hours without an interval of half an hour for a meal.

(*a*) That is to say, "any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper" (Sec. 156 (3), Sched. VI. (1)).

(*b*) That is to say, "any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on" (Sec. 156 (3), Sched. VI. (2)).

(*c*) See Secs. 24 and 25. For special exceptions in the case of women and young persons employed in Turkey red dyeing and open air bleaching, see Secs. 44 and 53.

Special provisions as to employment in women's workshops.

29.—(1.) In a workshop which is conducted on the system of not employing therein either children or young persons (*a*), and the occupier of which has served on an inspector (*b*) notice of his intention to conduct his workshop on that system—

(A) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(B) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

(2.) Where the occupier of a workshop has served on an inspector (b) notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed to be conducted on that system until the occupier changes it, and no change shall be made until the occupier has served on the inspector (b) notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act (c). A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(a) That is to say, conducted on the system of not employing therein any person under the age of 18 years. See also Sec. 57 as to the employment of women in flax scutch mills.

(b) The notice must be served on such inspector as a Secretary of State directs, by declaration published in the *London Gazette* or otherwise as he thinks expedient (Sec. 118 (8)). It may be sent by post (Sec. 148).

(c) For penalty, see Sec. 137.

30. In a non-textile factory (a) or workshop (a) where a woman or young person has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector (b), the period of employment on Saturday in that week for that woman or young person may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Special provisions as to eight hours employment of women and young persons.

(a) For definitions of non-textile factory and workshop, see Sec. 149.

(b) See note (b) to Sec. 29, *supra*.

31.—(1.) A child (a) must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop (b).

Restriction on employment inside and outside factory or workshop on same day.

(2.) A woman or young person (*a*) must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed (*b*) in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a woman, young person, or child to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a woman or young person is employed by the occupier of a factory or workshop on the same day, both in the factory or workshop, and in a shop (*c*), then—

(A) the whole time during which that woman or young person is employed shall not exceed the number of hours permitted by this Act for her or his employment in the factory or workshop on that day; and

(B) if the woman or young person is employed in the shop, except during the period of employment fixed by the occupier, and specified in a notice affixed in the factory or workshop in pursuance of this Act (*d*), the occupier shall make the prescribed entry in the general register (*e*) with regard to her or his employment.

(5.) This Act shall apply as if any woman, young person, or child employed in contravention of this section were employed in a factory or workshop contrary to the provisions of this Act (*f*).

(*a*) For definitions of “child” and “young person,” see Sec. 156 (1).

(*b*) As to the meaning of employment in a factory or workshop, see Sec. 152.

(*c*) The Shop Hours Act, 1892 (55 & 56 Vict. c. 62), provides that no young person shall to the knowledge of his employer be employed in or about a shop, having been previously on the same day employed in any factory or workshop for the number of hours permitted for employment in a factory or workshop, or for a longer

period than will together with the time during which he has been so previously employed complete such number of hours (Sec. 3 (2)); and defines "shop" as meaning retail and wholesale shops, markets, stalls and warehouses in which assistants are employed for hire, and including licensed public-houses and refreshment houses of any kind (Sec. 9; see *Savoy Hotel Co. v. London County Council* [1900] 1 Q. B. 665). There is no provision in the Shop Hours Acts as to the employment of women, and therefore a woman of the age of 18 years or more may be employed in a shop although she has already been employed on the same day in a factory or workshop for the full number of hours permitted, provided the occupier of the factory or workshop is not her employer in the shop. The Shop Hours Acts are set out in Appendix B.

(d) See Sec. 32.

(e) See Sec. 129.

(f) For penalty, see Sec. 137. By Sec. 46 the Secretary of State is given power, by Special Order, to grant a special exception from the operation of the provisions of this section.

32.—(1.) The occupier (a) of every factory and workshop (b) may fix within the limits allowed by this Act (c), and shall, subject to any special exceptions made by or in pursuance of this Act, specify in a notice which must be affixed in the factory or workshop—

Notice fixing hours of employment, &c.

(A) The period of employment;

(B) The times allowed for meals; and

(C) Whether the children are employed on the system of morning and afternoon sets or of alternate days (d).

(2.) In a factory or workshop where such a notice is required to be affixed (b), the period of employment, the times allowed for meals, and the system of employment for all the children in the factory or workshop, shall be those for the time being specified in the notice.

(3.) A change in the said period or times or system shall not be made until the occupier (a) has served on an inspector (e), and affixed in the factory or workshop, notice of his intention to make the change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(4.) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view,

for the purpose of regulating the period of employment in a factory or workshop, the period of employment and the times allowed for meals in that factory or workshop shall be regulated by that clock.

(a) In the case of a tenement factory, as defined by Sec. 149, the owner instead of the occupier must affix the notice required by this section, provided that any occupier may affix a notice in his own tenement, and thereupon that notice, with respect to persons employed by that occupier, has effect in substitution for the notice affixed by the owner (Sec. 87 (1)).

(b) This section does not apply to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) b), nor to men's workshops (Sec. 157).

(c) See Sec. 128.

(d) The penalty for not affixing the notice is a fine not exceeding forty shillings (Sec. 128 (2)).

(e) The notice must be served on such inspector as the Secretary of State, by declaration published in the *London Gazette* or otherwise as he may think expedient, directs (Sec. 118 (8)). It may be served by post (Sec. 148).

Meal times to be simultaneous, and employment during meal times forbidden.

33. With respect to meals the following regulations shall (save as is in this Act specially excepted) (a) be observed in a factory and workshop (b) :—

- (1.) All women, young persons, and children employed therein (c) shall have the times allowed for meals at the same hour of the day; and
- (2.) A woman, young person, or child shall not during any part of the times allowed for meals in the factory or workshop, be employed (c) in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on (d).

(a) For special exceptions to the provisions of this section, see Sec. 40.

(b) This section does not apply to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) a).

(c) "Employment" in a factory or workshop is defined by Sec. 152. In *Prior v. Slathwaite Spinning Co.* [1898] 1 Q. B. 881, the occupiers of a spinning mill were summoned for employing a young person in the factory during the time allowed for meals, and it

appeared that the young person in question had during the prohibited time oiled part of the machinery. It was proved that it was no part of his duty to oil the machinery, and it did not appear that anyone had told him to do so, or that any of the managers knew of it. He said that he did it for his own amusement, and contrary to orders. It was held that he was employed during prohibited hours, and that the occupiers must be convicted.

(d) For the penalty for a contravention of the provisions of this section, see Sec. 137. Further regulations as to meals in certain factories and workshops are made by Secs. 75 (2) and 78.

34. A woman, young person, or child shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop. Prohibition of Sunday employment.

Special exceptions are made by Sec. 42, in the case of women and young persons employed in creameries, and by Sec. 48 in the case of women and young persons of the Jewish religion. See also Secs. 54 and 56 as to night employment of male young persons in certain factories and workshops. For the penalty for contravention of the section, see Sec. 137.

35.—(1.) Subject to any special exceptions made by or in pursuance of this Act (a), the occupier of a factory or workshop shall allow in each year to every woman, young person, and child employed in the factory or workshop the following holidays:— Annual holidays and half-holidays.

In England there shall be allowed as whole holidays—

Christmas Day, Good Friday, and every Bank holiday, unless, in lieu of any of those days, another whole holiday or two half holidays, fixed by the occupier, be allowed.

In Scotland there shall be allowed—

(A) In burghs or police burghs, as whole holidays, the two days set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish, or, if those fast days have been abolished or discontinued, two days, not less than three months apart, to be fixed by the town council; elsewhere, two whole holidays, not less than three months apart, fixed by the occupier;

- (B) Eight half holidays fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

In Ireland there shall be allowed—

- (A) Christmas Day ;
 (B) Any two of the following days, fixed by the occupier, namely, the seventeenth of March (when it does not fall on a Sunday), Good Friday, Easter Monday, and Easter Tuesday ;
 (c) Six half holidays, fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.
- (2.) At least half of the said whole holidays or half holidays shall be allowed between the fifteenth day of March and the first day of October in every year.

(3.) A notice of every whole holiday or half holiday must be affixed in the factory or workshop during the first week in January, and a copy thereof must on the same day be forwarded to the inspector for the district, and unless the notice has been so affixed and sent cessation from work shall not be deemed to be a whole holiday or a half holiday :

Provided that—

- (A) this sub-section does not apply in the case of a whole holiday in a factory or workshop in England or Wales if the whole holiday is Christmas Day or Good Friday or a Bank holiday ;
 (B) any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.
- (4.) A half holiday shall comprise at least one half of the period of employment for women and young persons on some day other than Saturday, or a day substituted for Saturday.
- (5.) A woman, young person, or child who—
 (A) on a whole holiday fixed by or in pursuance of

this section for a factory or workshop is employed (b) in the factory or workshop; or

- (B) on a half holiday fixed in pursuance of this section for a factory or workshop is employed (b) in the factory or workshop during the portion of the period of employment assigned for that half holiday;

shall be deemed to be employed contrary to the provisions of this Act (c).

(6.) If in a factory or workshop (a) such whole holidays or half holidays as are required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(a) The provisions of this section do not apply to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) c). They apply to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (4) c). As to special exceptions, see Secs. 41, 42, 45, and 54 (2).

(b) For definition of employment in a factory or workshop, see Sec. 152.

(c) For penalty, see Sec. 137.

(ii.) *Special Exceptions as to Hours and Holidays.*

36. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that the grant can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, grant to that class of factories or workshops or parts thereof, a special exception that the period of employment for women and young persons therein, if so fixed by the occupier and specified in the notice (a), may on any day except

Employment
between
9 a.m. and
9 p.m. in
certain cases.

Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in that case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening (b).

(a) See Sec. 60.

(b) The following Orders, made by the Secretary of State, under Sec. 43 of the Factory and Workshop Act, 1878, continue to have effect, notwithstanding the repeal of that Act, as if they had been made under this section (Sec. 161 (2)) :—

An Order dated the 20th December, 1882, granting to workshops in which the curing of fish is carried on, a special exception in the terms of this section.

An Order dated the 12th January, 1884, extending the special exception between the 1st day of September and last day of February to factories in the metropolis in which bookbinding is carried on, subject to a proviso that it shall be a condition of the employment of any child, young person, or woman under this extended exception, that there shall be a cubic space of at least 400 feet for every young person and woman so employed.

An Order dated the 15th April, 1884, extending the special exception to workrooms in connection with drapers' retail establishments within the boroughs of Manchester and Salford, subject to a proviso that it shall be a condition of the employment of any young person or woman under this extended exception that there shall be a cubic space of at least 400 feet for every young person and woman so employed.

An Order dated the 27th April, 1887, extending the exception to factories and workshops for the manufacture of straw hats and bonnets, subject to a proviso that it shall be a condition of the employment of any young person or woman under this extended exception that there shall be a cubic space of at least 400 feet for every young person and woman employed after 8 p.m.; and, further, that neither young persons nor women, nor any of them, be employed under any circumstances after 9 p.m.

As to the power of the Secretary of State to impose sanitary requirements as a condition of employment in pursuance of any special exception, see Sec. 58; and as to his power to rescind any grant or extension of a special exception, see Sec. 59.

An occupier of a factory or workshop, before availing himself of any special exception made by or in pursuance of the Act, must affix and serve notices of his intention so to avail himself, in

accordance with the provisions of Sec. 60 (1) and (3); and must also enter in the general register (see Sec. 129) and report to the inspector for the district, particulars of the special exceptions as required by Sec. 60 (4).

37.—(1.) In the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power (*a*), the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

Employment of male young persons above 16 in lace factories.

- (A) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and
- (B) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and
- (C) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2.) For the purpose of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the factory, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the factory (*b*), and notice of such period shall be affixed in the factory (*c*).

(*a*) See note (*c*) to Sec. 10, *ante*, p. 19.

(*b*) See Sec. 24.

(*c*) See Secs. 32 (1) and 128. Before availing himself of any special exception, the occupier of the factory or workshop must affix and serve notices of his intention to do so in accordance with the

provisions of Sec. 60 (1) and (3); and he must also enter particulars of the special exception in the general register (see Sec. 129 (1) d), and report to the inspector as required by Sec. 60 (4). As to the power of the Secretary of State to impose sanitary requirements as a condition of employment in pursuance of any special exception, see Sec. 58.

Employment
of male young
persons
above 16 in
bakehouses.

38.—(1.) In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of sixteen years may be between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

- (A) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and
- (B) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and
- (C) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2.) For the purposes of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the bakehouse, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the bakehouse (a), and notice of that period shall be affixed in the bakehouse (b).

(a) See Sec. 26.

(b) See Secs. 32 (1) and 128; and note (c) to Sec. 37, *ante*, p. 51.

39.—(1.) In any of the textile factories to which this exception applies, a woman, young person, or child may, between the first day of November and the last day of March next following, be employed continuously for five hours without an interval for a meal; provided that—

Five hours' spell in certain textile factories.

(A) the period of employment fixed by the occupier and specified in the notice (*a*) begins at seven o'clock in the morning; and

(B) the whole time between that hour and eight o'clock is allowed for meals (*b*).

(2.) This exception applies to textile factories solely used for—

(A) the making of elastic web; or

(B) the making of ribbon; or

(C) the making of trimming.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, extend this exception accordingly (*c*). The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories.

(*a*) See Secs. 32, 60, and 128.

(*b*) The effect of this exception is that in the factories to which it applies, the hours of work may be from 8 a.m. to 1 p.m., and from 2 p.m. to 7 p.m.

(*c*) By an Order dated the 20th December, 1882, the exception, limited to the period between the 1st day of November and last day of March, was extended to—

Hosiery factories.

Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester, and Somerset.

Factories in which the only processes carried on are those of winding and throwing raw silk, or either of such processes.

This Order was made under Sec. 48 of the Factory and Workshop Act, 1878, but remains in force, notwithstanding the repeal of that Act, as if it had been made under this section (Sec. 161 (2)).

As to the notices to be affixed and served before an occupier avails himself of any special exception, and as to his duty to enter in the register and report to the inspector of the district the particulars of employment in pursuance of the exception, see Sec. 60.

Different meal times for different sets, and employment during meal times.

40.—(1.) The provisions of this Act which require that all the women, young persons, and children employed in a factory or workshop must have the times allowed for meals at the same hour of the day (*a*) shall not apply to the following factories (*b*), namely :—

- (i.) Blast furnaces, or
- (ii.) Iron mills, or
- (iii.) Paper mills, or
- (iv.) Glass works, or
- (v.) Letter-press printing works.

(2.) The provisions of this Act which require that a woman, young person, or child shall not during the times allowed for meals be employed or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on (*c*) shall not apply to the following factories (*b*), namely :—

- (i.) Iron mills, or
- (ii.) Paper mills, or
- (iii.) Glass works (except any part in which the materials are mixed, and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting, or polishing is carried on), or
- (iv.) Letter-press printing works.

(3.) In that part of any print works or bleaching and dyeing works (*b*), in which the process of dyeing or open-air bleaching is carried on—

- (i.) A male young person may have the times allowed him for meals at different hours of the day from

other young persons and women and children employed in the factory ;

(ii.) A male young person may during the times allowed for meals to any other young person or to any woman or child be employed or be allowed to remain in a room in which a manufacturing process is carried on ; and

(iii.) During the times allowed for meals to a male young person any other young person or any woman or child may be employed in a factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4.) Where it is proved to the satisfaction of the Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process or of special circumstances affecting that class, to extend thereto both or either of the following exceptions, namely :—

(A) an exception permitting the women, young persons, and children employed in the factory or workshop to have the times allowed for meals at different hours of the day ; or

(B) an exception permitting women, young persons, and children, during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on,

and that the extension can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, extend both or either of those exceptions accordingly (*d*).

(*a*) Sec. 33 (1).

(*b*) For definitions of the factories mentioned in this section, see Sched. VI., *post*. See also Secs. 54 and 55 as to night employment in these factories, and Secs. 44 and 53 for other exceptions in the case of Turkey red dyeing and open-air bleaching.

(*c*) Sec. 33 (2).

(*d*) The following Orders, made under Sec. 52 of the Factory and

Workshop Act, 1878, continue in force, notwithstanding the repeal of that Act, as if they had been made under this section (see Sec. 161 (2)).

An Order dated the 20th December, 1882, extending to the factories and workshops mentioned in the Schedule thereto, the exception permitting women, young persons, and children to have the times allowed for meals at different hours of the day.

SCHEDULE.

- (A) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery, commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.
- (B) Non-textile factories and workshops wherein is carried on the making of wearing apparel.
- (C) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.
- (D) The following non-textile factories and workshops, viz. :—
- | | | |
|----------------------|---|-------------------------------|
| Dressing floors, | } | in the county of
Cornwall. |
| Tin streams, | | |
| China clay pits, and | | |
| Quarries. | | |

An Order of the same date, extending to the same factories and workshops, subject to the same conditions, the exception permitting children, young persons and women, during the times allowed for meals, to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on.

Orders of the 24th February, 1887, extending to non-textile factories wherein is carried on the making of bread and biscuits by means of travelling ovens, exceptions permitting women, young persons, and children (A) to have the times allowed for meals at different hours of the day, and (B) to be allowed to remain, during the times allowed for meals, in a room in which a manufacturing process or handicraft is being carried on.

An Order of the 1st May, 1896, extending the exception permitting women, young persons, and children to have the times allowed for meals at different hours of the day to factories and workshops in which is carried on the printing of photographs, subject to the condition that in every factory and workshop the occupier of which avails himself of this exception, there shall be affixed a notice showing the names of the women, young persons,

and children employed in the factory or workshop, and the times allowed to each of them for meals.

An Order of July 20th, 1899, extending the exceptions permitting women, young persons, and children (A) to have the times allowed for meals at different hours of the day, and (B) during the times allowed for meals, to be employed in the factory or workshop, or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, to factories in which is carried on the spinning of artificial silk, subject to the following conditions:—

“(1.) One set of meal hours shall be appointed for the children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk; another set for all other children, young persons, and women employed in the factory.

(2.) All children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.

(3.) All other children, young persons, and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.

(4.) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be affixed a complete and accurate list of all children, young persons, and women, whose ordinary employment in the factory is the spinning of artificial silk, together with a statement of the meal hours appointed for them.

(5.) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be at least 1,000 cubic feet of air space to each person employed.”

An Order of the 6th September, 1899, extending to textile factories in which the material used is flax, jute, or hemp, the same exceptions, subject to the following conditions:—

“(1.) One set of meal hours shall be appointed for the children, young persons, and women whose sole employment in the factory is the sweeping and removal of waste from the floors, herein-after referred to as sweepers; another set for all other children, young persons, and women employed in the factory.

(2.) All sweepers shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.

- (3.) All other children, young persons, and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (4.) At the entrance of the factory there shall be kept posted a complete and accurate list of all sweepers employed in the factory, together with a statement of the meal hours appointed for them.
- (5.) In every room in which both sweepers and other persons are employed there shall be at least 1,000 cubic feet of air space to each person employed."

As to the notices to be affixed and served on the inspector before the occupier of a factory or workshop avails himself of any special exception, and as to his duty to enter in the register and report to the inspector the particulars of employment of persons in pursuance of the exception, see Secs. 60, 129 (1) d.

Special exceptions as to fish and fruit preserving.

41.—(1.) The provisions of this Act as to period of employment, times for meals, and holidays (*a*), shall not apply to young persons and women engaged—

- (A) in processes in the preserving and curing of fish which must be carried out immediately on the arrival of the fishing boats in order to prevent the fish from being destroyed or spoiled (*b*); or
- (B) in the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop during the months of June, July, August, and September (*b*), but this exception shall be subject to such conditions as the Secretary of State may by Special Order prescribe.

(2.) Where an occupier avails himself of this exception, the notice required to be served and affixed (*c*) by an occupier of a factory or workshop availing himself of any special exception, need not specify the hours for the beginning and end of the period of employment, or the times to be allowed for meals (*d*).

(*a*) Secs. 26, 33 and 35.

(*b*) Sec. 50 makes a further exception as to overtime employment of women engaged in the process of preserving or curing fish, or the process of making preserves from fruit.

(c) See Sec. 60 (1), (3).

(d) Particulars of the special exception must be entered in the general register (see Sec. 129) and reported to the inspector for the district (Sec. 60 (4)).

42. In the case of creameries in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of those women and young persons, and the times allowed for their meals, and allow their employment for not more than three hours on Sundays and holidays: Provided that the Order shall not permit any excess over either the daily or the weekly maximum number of hours of employment allowed by this Act.

Special exceptions as to creameries.

See also Sec. 50 as to overtime employment of women on perishable articles. As to the daily and weekly maximum number of hours of employment allowed, see Sec. 26.

43. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for women, young persons, and children is required by this Act to end on Saturday, he may, by Special Order, grant to that class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in that case this Act shall apply in the factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day. In the case of newspaper printing offices, he may by such Order authorise the substitution of some other day for Saturday in respect of some of the young persons therein employed.

Substitution of another day for Saturday.

By an Order dated the 20th December, 1882, the special exception mentioned in this section was granted to the following classes of non-textile factories and workshops, namely:—

- (A) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.
- (B) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.
- (C) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.
- (D) Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half holiday.

The following non-textile factories and workshops, viz.:—

Dressing floors,	}	in the county of Cornwall.
Tin streams,		
China clay pits, and		
Quarries,		

This Order, which was made under Sec. 46 of the Factory and Workshop Act, 1878, remains in force, notwithstanding the repeal of that Act, as if it had been made under this section (Sec. 161 (2)).

As to the notices which are required to be affixed and served on the inspector for the district before the occupier of a factory or workshop may avail himself of any special exception, see Sec. 60.

Saturday
employment
in Turkey
red dyeing.

44. In the process of Turkey red dyeing the period of employment for women and young persons on Saturday may extend until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which must in no case be exceeded.

See also Sec. 53 as to overtime employment on any day except Saturday for the purpose of preventing damage from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching. For the ordinary hours of employment in bleaching and dyeing works, see Secs. 24 and 28. As to the notices to be affixed and served by an occupier availing himself of any special exception, see Sec. 60.

Holidays on
different days
for different
sets.

45. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or

workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by Special Order, grant to that class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half holidays on different days to any of the women, young persons, and children employed in his factory or workshop, or to any sets of those women, young persons, and children, and not on the same days.

By an Order dated the 20th December, 1882, the special exception mentioned in this section was granted to non-textile factories and workshops of the classes mentioned in the Schedule to such Order, namely :—

- (A) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.
- (B) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.
- (C) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.
- (D) Non-textile factories in which is carried on the manufacture of plate glass.

This Order was made under Sec. 49 of the Factory and Workshop Act, 1878, but remains in force as if it had been made under this Act (see Sec. 161 (2)).

As to the notices which must be affixed and served on the inspector for the district before the occupier of a factory or workshop is entitled to avail himself of the exception, see Sec. 60.

As to the annual holidays and half holidays, see Sec. 35.

46. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that that trade should be excepted from the operation of the provisions of this Act relating to employment inside and outside a factory or workshop on the same day (*a*), he may, by Special Order, Employment inside and outside on the same day.

grant to that class of factories or workshops, or parts thereof, such special exception as may be necessary (*b*).

(*a*) See Sec. 31.

(*b*) There is no Order at present in force under this section.

Hours and holidays in factory or workshop of Jewish occupier.

47. Where the occupier of a factory or workshop is a person of the Jewish religion—

- (1.) If he keeps his factory or workshop closed on Saturday until sunset, he may employ women and young persons on Saturday from after sunset until nine o'clock in the evening ; or
- (2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, he may employ women and young persons one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening.

An occupier intending to avail himself of the exception allowed by this section must affix and serve the notices required by Sec. 60, and must enter particulars in the general register (Sec. 129 (1) d).

Sunday employment of Jews in factory or workshop of Jewish occupier.

48. Where the occupier of a factory or workshop is a person of the Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions :—

- (1.) The factory or workshop must be closed on Saturday and must not be open for traffic on Sunday (*a*) ; and
- (2.) The occupier must not avail himself of the exception authorising the employment of women and young persons on Saturday evening, or for an additional hour during any other day in the week (*b*).

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in

the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice (c), the word Friday were substituted for Saturday.

(a) In *Goldstein v. Vaughan* [1897] 1 Q. B. 549, it was held that the workshop of a button-hole machinist, which was kept open to customers on Sunday for the purpose of enabling them to send or fetch away garments in pursuance of contracts made on week-days, but which was not open on Sunday for the purpose of making any new arrangements with either old or new customers, nor for the receipt of work from casual customers, or the payment or settlement of accounts, was not "open for traffic." Otherwise, if members of the public could have come in and out, and given orders and made their arrangements about prices as on other days.

(b) See Sec. 47.

(c) See Sec. 60, and note to Sec. 47.

Overtime.

49.—(1.) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women (a) on any day except Saturday, or any day substituted for Saturday, may be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morning and ten o'clock in the evening, if they are employed in accordance with the following conditions (b), namely:—

Overtime
employment
of women
for press
of work.

(A) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half an hour must be after five o'clock in the evening; and

(B) A woman must not be so employed in the whole for more than three days in any one week; and

(C) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, and

in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the Second Schedule to this Act, except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein (c).

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women affected thereby, he may, by Special Order, extend this exception to those factories or workshops or parts thereof (d).

(a) That is to say, women of the age of 18 years and upwards (Sec. 156 (1)).

(b) During overtime employment, there must be at least 400 cubic feet of space for every person employed (Sec. 3 (1)).

(c) The exception allowed by this section is not necessary in the case of workshops conducted on the system of not employing either children or young persons therein, because Sec. 29 permits the employment of women on any day except Saturday in such workshops for a specified period of twelve hours taken between 6 a.m. and 10 p.m.

(d) The exception allowed by this section has been extended by Orders of the Secretary of State to the under-mentioned non-textile factories and workshops or parts thereof, and warehouses, subject to the condition that there shall be a cubic space of at least 400 feet for every woman employed in pursuance of the exception. (This condition now applies in all cases of overtime employment: see Sec. 3 (1).)

By an Order of the 20th December, 1882, to:—

The occupation of—

Die-sinking.

Cardboard making.

Paper colouring and enamelling.

Rolling of tea-lead.

The occupation of—

The making of gas-holders, boilers, and other apparatus, partly manufactured in the open air.

The following non-textile factories and workshops, viz. :—

Dressing floors,

Tin streams,

China clay pits, and } in the county of

Quarries,

Cornwall.

Non-textile factories in which the only processes carried on are the processes of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes.

Workshops wherein the manufacture of fireworks is carried on.

By an Order dated the 22nd November, 1883, to—

The making of pork pies.

By an Order dated the 12th March, 1884, to—

The processes of warping, winding, or filling, or either of them, as incidental to the weaving of ribbons in workshops.

Provided that nothing in this Order shall be taken to apply—

(A) Where persons are employed at home, that is to say, to a private house, room, or place, which, though used as a dwelling, is, by reason of the work carried on there, a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(B) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.

By an Order dated the 27th August, 1884, to—

The processes carried on in non-textile factories of calendering, finishing, hooking, lapping, or making-up and packing of any yarn or cloth, or any of such processes, and none other.

(By an Order dated the 26th April, 1887, the said Order of the 27th August, 1884, was rescinded so far as regards bleach works and dye works in Lancashire and Cheshire.)

By an Order dated the 16th September, 1889, the exception was extended to—

Such parts of non-textile factories as are used for the carrying

on of the operations of milling, perforating, or gumming inland revenue stamps and postal stationery.

By an Order dated the 13th October, 1890, to—

Non-textile factories wherein the manufacture of fireworks is carried on.

By an Order dated the 7th September, 1896, to—

Factories and workshops, or parts thereof, in which the bottling of beer is carried on.

By an Order dated the 30th June, 1897, to—

Factories and workshops, or parts thereof, in which the making of boxes for aerated water bottles is carried on.

By an Order dated the 28th June, 1899, to—

Factories and workshops, or parts thereof, in which the washing of bottles for use in the preserving of fruit is carried on.

These Orders were made under Sec. 53 of the Factory and Workshop Act, 1878, which, prior to 1895, authorised the overtime employment of young persons as well as women, subject to the condition that no woman or young person should be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months. Sec. 14 of the Factory and Workshop Act, 1895, provided that young persons should not be employed overtime in pursuance of Sec. 53 of the Act of 1878; and that a woman should not be employed overtime in pursuance of that section for more than three days in any one week, or for more than thirty days in any twelve months; and these amendments are confirmed by this section. The Orders made prior to 1895 must therefore be taken as repealed in so far as they authorise the employment of young persons, or the employment of women for more than three days in any one week, or more than thirty days in any twelve months. Subject to this, the above-mentioned Orders, whether made before or after the Act of 1895, remain in force, notwithstanding the repeal of the enactment under which they were made, as if they had been made in pursuance of this section (see Sec. 161 (2)).

Sec. 151 gives power to the Secretary of State by Special Order to direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

By an Order dated the 27th March, 1897, made under Sec. 39 of the Act of 1895, but which remains in force as if made under Sec. 151 of this Act (see Sec. 161 (2)), it was directed, with respect to factories and workshops in which overtime may be worked by women *in pursuance of Sec. 53 of the Act of 1878* [now in pursuance of this section], or of any Order made thereunder, that different

branches or departments of work carried on in the same factory or workshop may, so far as regards the employment of women during overtime, be treated as if they were different factories or workshops, subject to the following conditions :—

- (1.) Every such branch or department must be carried on—
 - (A) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (B) under separate and distinct management, and
 - (C) by separate and distinct persons, that is to say, no person who is employed in one branch or department may be employed in any other branch or department.
- (2.) In every such branch or department a separate notice (Special Exception Notice) under Sec. 66 of the Factory and Workshop Act, 1878 (now Sec. 60 of this Act), must be affixed, stating clearly the name or description of the branch or department; and a copy of every such notice must be sent to the inspector.
- (3.) In every such branch or department a separate register (Overtime Register) must be kept, and the entry of the particulars required by Sec. 66 of the Factory and Workshop Act, 1878 (now Sec. 60 of this Act), must be made therein; and all such particulars must be reported to the inspector as required by Sec. 14 (1) of the Factory and Workshop Act, 1891 (now Sec. 60 of this Act).
- (4.) In every such branch or department a separate notice (Record of Overtime) must be kept affixed as required by Sec. 14 (2) of the Factory and Workshop Act, 1891 (now Sec. 60 of this Act).
- (5.) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of branches or departments and the arrangements for carrying out the above conditions are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

See Sec. 60 as to the notices to be affixed in the factory or workshop, and served on the inspector for the district, and as to the report to be sent to him, by an occupier availing himself of any exception allowed by this section.

As to overcrowding during employment overtime in pursuance of this section, see note to Sec. 58.

50.—(1.) In the factories and workshops and parts thereof to which this exception applies, the period of employment for a woman (*a*) may on any day except

Overtime employment of women on perishable articles.

Saturday, or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, if she is employed in accordance with the following conditions (*b*), namely:—

- (A) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening; and
- (B) She must not be so employed in the whole for more than three days in any one week; and
- (c) Overtime employment under this section must not take place in a factory or workshop on more than fifty days in the whole in any twelve months; and in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to every factory and workshop or part thereof in which is carried on—

- (A) the process of making preserves from fruit (*c*); or
- (B) the process of preserving or curing fish (*c*); or
- (c) the process of making condensed milk.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof (*d*).

(a) See note (*a*) to Sec. 49, *ante*, p. 64.

(b) See note (*b*) to Sec. 49, *ante*, p. 64.

(c) Sec. 41 allows other special exceptions in the case of fruit or fish preserving when necessary to prevent the fruit or fish from spoiling.

(d) By an Order dated the 18th August, 1893, made under Sec. 56 of the Factory and Workshop Act, 1878, which remains in

force so far as it authorises the employment of women in the manner authorised by Sub-sec. (1) of this section (see Sec. 161 (2)), the special exception was extended to non-textile factories in which are carried on the occupations of preparing cream and making butter and cheese, subject to the condition that there shall be a cubic space of at least 400 feet for every woman employed in pursuance of the special exception. This condition is now applied by Sec. 3 (1) to all cases of overtime employment.

See also Sec. 42 as to the power of the Secretary of State to allow other exceptions in the case of creameries.

As to the notices which are required to be affixed and sent to the inspector of the district in the case of overtime employment, see Sec. 60.

51.—(1.) If in any factory or workshop or part thereof to which this exception applies, the process in which a woman, young person, or child is employed, is in an incomplete state at the end of the period of employment of the woman, young person, or child, the woman, young person, or child may, on any day except Saturday, or any day substituted for Saturday (*a*), be employed for a further period not exceeding thirty minutes :

Overtime
employment
on incomplete
process.

Provided that those further periods, when added to the total number of hours of the periods of employment of the woman, young person, or child in that week, do not raise that total above the number otherwise allowed under this Act (*b*).

(2.) This exception applies to the factories and workshops following (*c*), namely :—

- (A) Bleaching and dyeing works ;
- (B) Print works ;
- (C) Iron mills in which male young persons are not employed during any part of the night ;
- (D) Foundries in which male young persons are not employed during any part of the night ; and
- (E) Paper mills in which male young persons are not employed during any part of the night.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for

the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons, and children, affected thereby, he may by Special Order extend this exception accordingly (*d*).

(*a*) See Sec. 43.

(*b*) As to the number of hours allowed in bleaching and dyeing works, and print works, see Secs. 24 and 25, and in iron mills, foundries, and paper mills, Secs. 26 and 27.

(*c*) For definitions of these factories, see Sched. VI. (1), (2), (11), (12), and (14). Other exceptions in the case of Turkey red dyeing and open-air bleaching are allowed by Secs. 44 and 53. As to night employment, see Sec. 54.

(*d*) By an Order dated the 20th December, 1882, the special exception allowed by this section was extended to—

Non-textile factories and workshops or parts thereof in which is carried on the process of baking of bread or biscuits.

The following non-textile factories and workshops, viz. :—

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries.	

This Order remains in force, notwithstanding the repeal of the enactment under which it was made (Sec. 54 of the Act of 1878), as if it had been made in pursuance of this section (Sec. 161 (2)).

As to the notices which must be affixed and sent to the inspector of the district in the case of employment overtime in pursuance of an exception, see Sec. 60.

Overtime
employment
in factories
driven by
water.

52. Where it appears to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order, grant to those factories a special exception permitting the employment of women and young persons during a period of employment from six o'clock in the morning until seven o'clock in the evening, on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, or any day substituted for Saturday, and that

as regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

By an Order dated the 20th December, 1882, the Secretary of State granted to every factory in which water power *alone* is used to move the machinery, a special exception permitting the employment therein of women and young persons during a period of employment from 6 a.m. to 7 p.m. for the purpose of recovery of time lost from the stoppage of such factory by drought or flood, subject to the following conditions:—

- (1.) No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
- (2.) Notice of the time lost and the cause thereof shall be reported to the inspector within three days of such loss.
- (3.) Notice of the recovery of the time lost shall be reported to the inspector day by day as the same has been recovered.
- (4.) This special exception shall not be available—
 - (A) for the recovery of any time lost more than twelve months previously;
 - (B) for the recovery of time lost from the stoppage of the factory by drought for more than ninety-six days in any period of twelve months;
 - (C) for the recovery of time lost from the stoppage of the factory by floods for more than forty-eight days in any period of twelve months.
- (5.) This special exception will not authorise the employment of children.

This Order remains in force, notwithstanding the repeal of the enactment under which it was made, as if it had been made under this section (Sec. 161 (2)).

As to the notices which are required to be affixed in the factory, and sent to the inspector of the district, in case of overtime employment in pursuance of the exception, see Sec. 60.

53. A woman or young person may on any day except Saturday, or any day substituted for Saturday, be employed beyond the period of employment, so far as

Overtime employment in Turkey red dyeing and open-air bleaching.

is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

See also Sec. 44 as to Saturday employment in the process of Turkey red dyeing, and Sec. 51 as to overtime employment on incomplete processes. A notice of any overtime employment must be affixed, and a report sent to the inspector in accordance with the provisions of Sec. 60 (4).

Night Work.

Night
employment
of male young
persons of 14.

54.—(1.) In the factories and workshops to which this exception applies, a male young person of fourteen years of age and upwards (*a*) may be employed during the night, if he is employed in accordance with the following conditions, namely:—

- (A) The period of employment must not exceed twelve consecutive hours, and must begin and end at the hours specified in the notice in this Act mentioned (*b*); and
- (B) The provisions of this Part of this Act with respect to the allowance of times for meals shall be observed with the necessary modifications as to the hour at which the meal times are fixed (*c*); and
- (C) A young person employed (*d*) during any part of the night must not be employed (*d*) during any part of the twelve hours preceding or succeeding the period of employment; and
- (D) He must not be employed (*d*) on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment; and

(E) In the case of blast furnaces, iron mills, letter-press printing works, or paper mills, he must not be employed (*d*) during the night in any process other than a process incidental to the business of the factory as described in Part I. of the Sixth Schedule to this Act (*e*).

(2.) The provisions of this Act with respect to the period of employment on Saturday (*f*), and with respect to the allowance to young persons of whole or half holidays (*g*), shall not apply to a male young person employed in day and night turns in pursuance of this exception.

(3.) This exception applies to the following factories (*e*), namely:—

(A) Blast furnaces;

(B) Iron mills;

(C) Letter-press printing works; and

(D) Paper mills.

(4.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops, or parts thereof, it is necessary by reason of the nature of the business requiring the process to be carried on throughout the night to employ male young persons of sixteen years of age and upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof so far as regards young persons of the age of sixteen years and upwards (*h*).

(*a*) This section does not authorize the night employment of a young person between 13 and 14, who has obtained a certificate of proficiency.

(*b*) See Sec. 60.

(*c*) See Secs. 26, 33, and 40.

(*d*) For definition of "employment," see Sec. 152.

(*e*) See Sched. VI. (9), (10), (14), and (17).

(*f*) Sec. 26.

(*g*) Sec. 35.

(*h*) By an Order dated the 16th November, 1895, consolidating previous Orders, the exception allowed by this section, so far as

regards male young persons of 16 years and upwards, was extended to factories and workshops of the classes following, namely :—

Oil and seed crushing mills (factories).

Copper and yellow metal rolling mills.

Iron and metal tube works in which furnaces are used.

The knocking-out and cutting departments of non-textile factories engaged in the refining of loaf sugar.

Such parts of mineral dressing floors in Cornwall (whether non-textile factories or workshops) as are appropriated to the processes of calcining and stamping.

The process of galvanizing metal in non-textile factories.

China clay works.

The process of iron-ore washing.

This Order, made under Sec. 58 of the Act of 1878, as amended by Sec. 38 of the Act of 1895, remains in force, notwithstanding the repeal of those enactments, as if it had been made in pursuance of this section (Sec. 161 (2)).

Although, in the factories mentioned in Sub-sec. (3), male young persons of the age of 14 years and upwards may be employed in the night, Sub-sec. (4) only authorises an extension of the exception as regards persons of the age of 16 years and upwards.

As to the notices to be affixed and served, and the entries to be made in the register, in the case of employment in pursuance of a special exception, see Sec. 60.

Night
employment
of male young
persons of 14
in glass
works.

55. In glass works a male young person of fourteen years of age and upwards may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely :—

- (A) The total number of hours of the periods of employment must not exceed sixty in any one week ; and
- (B) The periods of employment must not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine ; and
- (c) He must not work in any turn without an interval of time not less than one full turn ; and

- (D) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal; and
- (E) He must not be employed on Sunday.

As to the notices to be affixed in the factory and served on the inspector by an occupier wishing to avail himself of any special exception, see Sec. 60. As to the meaning of "continuous employment," see Sec. 156 (2).

56. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, a male young person above the age of sixteen years may be employed at night during not more than two nights in a week, as if he were no longer a young person:

Night employment of male young persons of 16 in printing newspapers.

Provided that he must not in pursuance of this exception be employed more than twelve hours in any consecutive period of twenty-four hours.

See note to Sec. 55.

Intermittent Employment.

57.—(1.) The regulations of this Act with respect to the period of employment for women (a) shall not apply to flax scutch mills which are conducted on the system of not employing either young persons or children therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year.

Exemption for certain flax scutch mills.

(2.) A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector (b) notice of his intention to conduct the mill on that system.

(a) Sec. 26.

(b) The notice must be sent to such inspector as the Secretary of State, by declaration published in the *London Gazette* or otherwise, as he thinks expedient, directs (Sec. 118 (8)).

Supplemental.

Power to impose sanitary requirements as condition of special exceptions.

58.—(1.) Where it appears to the Secretary of State—

- (A) That the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of women, young persons, or children, employed, in pursuance of an exception under this Part of this Act, either for a longer period than is otherwise allowed by this Act, or at night; or
- (B) That the adoption of a special provision as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, is required for the protection of the health of any women or young persons employed in pursuance of such an exception at night,

he may, by Special Order, direct that the adoption of the means or provision shall be a condition of such employment.

(2.) If it appears to the Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by Special Order, rescind the Order directing the adoption without prejudice to the subsequent making of another Order.

By an Order dated the 20th December, 1882, made under Sec. 63 of the Act of 1878, the Secretary of State directed that it should be a condition of the employment overtime of any woman or young person in pursuance of Sec. 53 of that Act, that there should be a cubic space of at least 400 feet for every woman and young person so employed. So far as factories are concerned, this Order is superseded by Sec. 3 (1) of this Act (re-enacting Sec. 1 of the Act of 1895); but it remains in force in the case of overtime employment of women in workshops in pursuance of Sec. 49 of this Act. (See Sec. 161 (2)). The effect is that the condition as to overcrowding during employment overtime is enforceable in the case of workshops either by a factory inspector under the provisions of the Order, or by the local authority under Sec. 91 of the Public Health Act and

Sec. 3 (1) of this Act ; whereas in the case of factories it can only be enforced by the factory inspector under Sec. 1 (1) (c) and Sec. 3 (1) of this Act.

59. Where an exception has been granted or extended under this Act by an Order of the Secretary of State, and it appears to the Secretary of State that the exception is injurious to the health of the women, young persons, or children employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the exception was so granted or extended, he may, by Special Order, rescind the grant or extension, without prejudice to the subsequent making of another Order.

Power to rescind orders as to special exceptions.

60.—(1.) An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception made by or in pursuance of this Act, shall serve (a) on the inspector for the district, and affix in his factory or workshop (b), notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Notices, registers, &c., relating to special exceptions.

(2.) Before the service of the notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of the notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory or workshop, unless he has previously served on the inspector for the district (a) notice that he no longer intends to avail himself of the exception.

(3.) The notice so served and affixed must, except as otherwise provided by this Act (c), specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every woman, young person, and child where they differ from the ordinary hours or times.

(4.) An occupier of a factory or workshop shall enter in the prescribed register (d) and report to the inspector

for the district the prescribed (e) particulars respecting the employment of a woman, young person, or child in pursuance of a special exception; and, in the case of employment overtime, he shall also cause a notice containing the prescribed (e) particulars respecting the employment to be kept affixed in the factory or workshop (b) during the prescribed (e) time, and he shall send the report required by this sub-section to the inspector not later than eight o'clock in the evening on which any woman, young person, or child is employed overtime in pursuance of the exception (f).

(5.) Where the occupier of a factory or workshop avails himself of a special exception made by or in pursuance of this Act, and a condition for availing himself of that exception (whether specified in this Act, or in an order of the Secretary of State made under this Act) is not observed in that factory or workshop, then

(A) If the condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act (g); and

(B) In any other case a woman, young person, or child, employed in the factory or workshop, in alleged pursuance of the exception, shall be deemed to be employed contrary to the provisions of this Act (h).

(6.) Where an occupier of a factory or workshop has served on an inspector a report in pursuance of this section of his intention to employ any persons overtime by virtue of a special exception, the report shall, unless withdrawn, be *prima facie* evidence in any proceedings under this Act that the occupier has in fact employed persons overtime in accordance with the report.

(a) The notice may be sent by post (see Sec. 148).

(b) See Sec. 128. The provisions of the Act as to affixing notices do not apply to domestic factories or domestic workshops, as defined by Sec. 115 (Sec. 111 (4) b).

(c) See Sec. 41 (2).

(d) See Sec. 129.

(e) "Prescribed" means prescribed for the time being by the Secretary of State (Sec. 156 (1)).

(f) The requirements of this sub-section do not apply to domestic factories or domestic workshops, except so far as may be prescribed by the Secretary of State (Sec. 111 (2)).

(g) For penalty, see Sec. 135.

(h) For penalty, see Sec. 137.

(iii.) *Fitness for Employment.*

61. An occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

Prohibition of employment of women after childbirth.

This and the following section apply to laundries carried on by way of trade, or for purposes of gain, subject to the exceptions mentioned in Sec. 103 (4) (Sec. 103 (1) f). For penalty, see Sec. 137.

62. A child under the age of twelve years must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act.

Prohibition of employment of children under 12.

See note to Sec. 61, *supra*. Prior to the commencement of this Act the age limit was 11 years (see Sec. 18 of the Act of 1891). This section, therefore, does not prohibit the employment of a child who was between 11 and 12 years of age on the 1st of January, 1902, and was then employed in a factory or workshop.

As to the employment of children between 12 and 14, see Secs. 68 to 72, and the provisions of the Elementary Education Acts which are set out in Appendix C.

63.—(1.) In a factory (a) a young person under the age of sixteen years or a child must not be employed for more than seven, or if the certifying surgeon for the district (b) resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form (c), of the fitness of the young person or child for employment in that factory.

Certificates of fitness for employment of young persons under 16 and children in factories.

(2.) When a child becomes a young person a fresh certificate of fitness must be obtained (d).

(3.) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment (e).

(a) As to workshops, see Secs. 65 and 66. A certificate of fitness is not required for employment in a workshop, except by Special Order of the Secretary of State under Sec. 66; but the occupier of a workshop may, if he thinks fit, obtain certificates of fitness in the same manner as if the workshop were a factory (Sec. 65). The provisions of the Act with respect to certificates of fitness apply to a domestic factory, as defined by Sec. 115, as if it were a workshop and not a factory (Sec. 111 (3)).

(b) As to the appointment and duties of certifying surgeons, see Sec. 122; and as to the fees to be paid to them in respect of certificates of fitness, see Sec. 124. Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate acts for the time being as the certifying surgeon (Sec. 123). In Scotland "poor law medical officer" means the medical officer appointed by the parish council (Sec. 159 (4)), and in Ireland, includes the medical officer of a dispensary district (Sec. 160 (6)).

(c) See Secs. 64 (4), (5), 122 (4). "Prescribed" means prescribed for the time being by the Secretary of State (Sec. 156 (1)).

(d) A child becomes a young person at the age of 14 years, or, being between the age of 13 and 14 years, when he obtains the certificate of proficiency or attendance at school mentioned in Part III. of the Act (Sec. 156 (1)).

See, also, Sec. 67, which applies to workshops as well as factories, as to the power of an inspector to require a certificate of capacity in the case of any child or young person under the age of 16 years, although a certificate of fitness may have previously been obtained for such child or young person.

(e) For the penalty for a contravention of this section, see Sec. 137.

Regulations
as to grant
of certificate
of fitness.

64. With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect:—

- (1.) The certificate shall be granted by the certifying surgeon for the district (a).
- (2.) The certificate must not be granted except upon personal examination of the person named therein.

- (3.) A certifying surgeon (*a*) shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.
- (4.) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence (*b*), that the person named in the certificate is of the age therein specified, and has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.
- (5.) The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed, and if it is so qualified the occupier shall not employ the young person or child otherwise than in accordance with the conditions (*c*).
- (6.) A certifying surgeon (*a*) shall have the same powers as an inspector for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed (*d*).
- (7.) All factories in the occupation of the same occupier and in the district of the same certifying surgeon, or any of them, may be named in the certificate, if the surgeon is of opinion that he can truly give the certificate for employment therein.
- (8.) The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the young person or child (whether that copy is obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or

be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to that authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate (e).

(9.) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

(10.) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall when required give in writing and sign the reasons for his refusal.

(a) See note (b) to Sec. 63, *ante*, p. 80.

(b) See Sub-sec. (9) of this section.

(c) For penalty, see Sec. 137.

(d) As to the powers of an inspector, see Sec. 119.

(e) As to certificates of birth, see Sec. 134 and note thereto, and clauses 1 to 3 of the Revised Regulations of the Board of Education, dated 21st March, 1901, set out in Appendix C. In Ireland, in the provisions of the Act relating to certificates of birth, the Irish Education Act, 1892, is to be substituted for the Elementary Education Act, 1876, and a school attendance committee for a local authority (Sec. 160 (3)).

Power
to obtain
certificates
of fitness for
employment
in workshops.

65. In order to enable occupiers of workshops (a) to better secure the observance of this Act, and prevent the employment in their workshops of young persons under the age of sixteen years and children who are unfitted for that employment, an occupier of a workshop may obtain, if he thinks fit, from the certifying surgeon for the

district (b), certificates of the fitness of young persons under the age of sixteen years and children for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the young persons and children, and grant certificates accordingly (c).

(a) Including occupiers of domestic factories (Sec. 111 (3)).

(b) See note (b) to Sec. 63, *ante*, p. 80.

(c) This section enables occupiers of workshops, for their own satisfaction, to obtain certificates of fitness if they think fit, but does not require them to do so as in the case of factories (see Secs. 63 and 64). When they do not obtain certificates of fitness they ought in all cases of employment of young persons or children, to require certificates of birth, otherwise they run the risk, if it should turn out that such persons are not of the age represented, of incurring penalties for employing them contrary to the provisions of the Act. See Sec. 67 as to the power of an inspector to require a certificate of capacity.

66.—(1.) Where it appears to the Secretary of State that by reason of special circumstances affecting any class of workshops (a) it is expedient for protecting the health of the young persons under the age of sixteen years, and of the children employed therein, to extend thereto the prohibition in this section mentioned, he may, by Special Order, extend to that class of workshops the prohibition in this Act of the employment of young persons under the age of sixteen years and children without a certificate of the fitness of the young person or child for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the Order in like manner as if they were factories (b).

(2.) If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the young persons under the age of sixteen years and the children employed in any class of workshops to which it has been extended under this section, he may, by Special Order, rescind the Order

Power to require certificates of fitness for employment in certain workshops.

of extension, without prejudice to the subsequent making of another Order.

(a) Including domestic factories (Sec. 111 (3)).

(b) See Secs. 63 and 64. There is no Order at present in force under this section.

Power of inspector to require surgical certificate of capacity for work.

67. Where an inspector is of opinion that a young person under the age of sixteen years or a child is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice (a) thereof on the occupier of the factory or workshop, requiring that the employment of that young person or child be discontinued from the period named therein, not being less than one nor more than seven days after the service of the notice (a), and the occupier shall not continue after the period named in the notice to employ that young person or child (notwithstanding that a certificate of fitness has been previously obtained for the young person or child), unless the certifying surgeon for the district (b) has, after the service of the notice, personally examined the young person or child, and has certified that the young person or child is not so incapacitated as aforesaid.

(a) As to service of the notice, see Sec. 148.

(b) See note (b) to Sec. 63, *ante*, p. 80.

PART III.

EDUCATION OF CHILDREN.

Attendance at school of children employed in factory or workshop.

68.—(1.) The parent (a) of a child (b) employed in a factory or workshop shall cause that child to attend some recognised efficient school (c) (which school may be selected by the parent), as follows:—

(A) The child, when employed in a morning or afternoon set, must in every week, during any part of

which he is so employed, be caused to attend on each work day for at least one attendance ; and

- (B) The child, when employed on the alternate day system, must on each work day preceding each day of employment be caused to attend for at least two attendances ;
- (c) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Board of Education (*d*), and be between the hours of eight in the morning and six in the evening (*e*) :

Provided as follows :—

- (i.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed (*f*) :
- (ii.) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, and when the school is closed during the ordinary holidays or for any other temporary cause :
- (iii.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognised efficient school (*c*) which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid (*c*) is established, and with a view to such establishment the inspector shall immediately report to the Board of Education (*d*) every case of the approval of a school by him under this section.

(2.) A child who has not in any week attended school for all the attendances required by this section must not

be employed (*g*) in the following week until he has attended school for the deficient number of attendances.

(3.) The Board of Education (*d*) shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

(*a*) The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child (Sec. 156(1)). For the penalty for neglect to cause the child to attend school, see Sec. 138 (2).

(*b*) "Child" means a person who is under the age of 14 years, and who, being of the age of 13 years, has not obtained the certificate of proficiency or attendance mentioned in Sec. 71, or in Scotland has not obtained exemption from the obligation to attend school in the manner prescribed by Sec. 3 of the Education (Scotland) Act, 1901 (Secs. 156 (1), 159 (7)). See note to Sec. 71, *post*, p. 88.

(*c*) As to the meaning of "recognised efficient school," see Sec. 72.

(*d*) "Board of Education" in Scotland means the Scotch Education Department, and in Ireland the Lord Lieutenant acting by and with the advice of the Privy Council in Ireland.

(*e*) By Orders of the Secretary of State, dated the 24th December, 1878, and made with the consent of the Education Department for England and Wales, and Scotland respectively, "attendance" was defined to mean the attendance of a child at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects. And by an Order dated the 15th February, 1879, made by the Secretary of State with the consent of the Lord Lieutenant and Privy Council in Ireland, "attendance" was defined to be an attendance for instruction in secular subjects for a period of not less than two hours. These Orders, made under the Factory and Workshop Act, 1878, continue in force as if they had been made in pursuance of this Act (Sec. 161 (2)).

(*f*) As to the holidays and half holidays allowed, see Sec. 35.

(*g*) For definition of employment, see Sec. 152; and for the penalty for employing any person contrary to the provisions of the Act, see Sec. 137.

Obtaining
of school
attendance
certificates by
occupier.

69.—(1.) The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which the child began to

work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed form and directions) (a) respecting the attendance of the child at school in accordance with this Act.

(2.) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act (b).

(3.) The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or workshop, and shall produce the same to an inspector when required during that period.

(a) "Prescribed" means prescribed for the time being by the Secretary of State (Sec. 156 (1)).

(b) For penalty, see Sec. 137. See also the provisions of the Elementary Education Acts set out in Appendix C.

70. The persons who manage a recognised efficient school (a) attended by a child employed in a factory or workshop, or some person authorised by them may (if fees for children may be charged in that school) (b) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, that weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

Payment by occupier of sum for schooling.

(a) For definition of recognised efficient school, see Sec. 72. See also Sec. 68 (1) iii.

(b) See Secs. 2—4 of the Elementary Education Act, 1891, and as to Ireland, see Sec. 160 (4) of this Act.

Employment as young person of child of 13 on obtaining educational certificate.

71.—(1.) When a child of the age of thirteen years has obtained from a person authorised by the Board of Education a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act (a).

(2.) The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by the Secretary of State, with the consent of the Board of Education, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication (b).

(3.) Attendance at a certified day industrial school (c) shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(a) In Scotland, the provisions of this section as to certificates of proficiency or of due attendance do not apply, but a child of the age of 13 years, who has obtained exemption from the obligation to attend school in the manner prescribed by Sec. 3 of the Education (Scotland) Act, 1901, is to be deemed a young person for the purposes of the Act (Sec. 159 (7)).

Sec. 3 of the Education (Scotland) Act, 1901 (1 Edw. VII. c. 9), is as follows:—

“3. It shall be lawful for any school board, where after due inquiry in each case the circumstances seem to justify such exemption, to grant exemption from the obligation to attend school to individual children over twelve years of age, for such time and upon such conditions, if any, as to the amount and manner of further attendance at school until the age of fourteen, as the school board shall think fit; and such exemption shall exempt the parent of such child from any prosecution or other proceeding under the Education Acts for neglecting to provide for the education of such child.

“Provided that any school board granting such exemption to individual children shall keep a register wherein shall be entered the names of children so exempted, and a statement of the circumstances in which and the conditions upon which such exemption has in each case been granted.

“Provided also that the department shall have power, when it sees fit, to call upon any school board for a return of the children to

whom such exemption has been granted, and of the circumstances in which and the conditions upon which such exemption has in each case been granted; and if, after due inquiry, the department is satisfied that such exemption has been granted by any school board in circumstances which did not justify its being so granted, or that the conditions on which such exemption has been granted are insufficient, or that the attendance of scholars within the district of such school board, or any part thereof, is unsatisfactory, the department may call upon such school board to recall such exemption, or to take steps to improve the attendance; and if the said school board fail to do so within a reasonable time, it shall be lawful for the department to withhold or reduce the parliamentary grant made to the said school board under Sec. 67 of the Education (Scotland) Act, 1872."

In Ireland, for the "Board of Education" read the Lord Lieutenant, acting by and with the advice of the Privy Council in Ireland.

(b) The standards of proficiency and due attendance now in force for England and Wales were fixed by an Order of the Secretary of State, dated the 7th August, 1893, and made with the consent of the Lords of the Committee of the Privy Council on Education, whereby it was ordered as follows:—

1. The Order of the Secretary of State, dated 20th February, 1892, is hereby revoked.

2. Between the date of this Order and the 1st of September, 1894, the Order of the Secretary of State, dated 15th February, 1879, shall continue to be in force.

3. From and after the 1st day of September, 1894, the Order of the Secretary of State, dated 15th February, 1879, shall be revoked, and instead thereof the following provisions shall take effect, that is to say:—

(A) The standard of proficiency for the purpose of a certificate of proficiency to be given any child shall be Standard No. 5, as fixed by the Code of 1893, of reading, writing, and arithmetic, or any higher standard which may be attained by the child.

Standard V., as fixed by the Code of 1893, is as follows:—

Reading:

To read with intelligence a passage from some standard author, a reading book, or a history of England.

Writing:

Writing from memory the substance of a short story read out twice; spelling, handwriting, and correct expression to be considered.

Arithmetic:

Practice, bills of parcels, and single rule of three by the method of unity.

Addition and subtraction of proper fractions, with denominators not exceeding twelve.

Or, as an alternative :

Vulgar fractions (simple fractions only).

Practice.

Bills of parcels.

Common weights and measures.

Mensuration of rectangles.

Certificates of proficiency may be granted by the persons prescribed by Articles 3—8 and 30 of the Code of 1893.

- (B) The standard of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall in the case of any child be 250 attendances (after such child has attained 5 years of age) in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted by the persons prescribed by Secs. 10, 11 and 12 of the Regulations of the Education Department, dated 27th February, 1893.

As to the granting of certificates of proficiency and school attendance, see the Revised Regulations of the Board of Education of the 21st March, 1901, set out in Appendix C.

The standards of proficiency and due attendance for Ireland were fixed by an Order of the Secretary of State, dated the 15th February, 1879, and made with the consent of the Lord Lieutenant and Privy Council in Ireland, whereby it was ordered as follows :—

The standard of proficiency for the purpose of the 26th section of the said Act shall be the standard in reading, writing, and elementary arithmetic prescribed by Order of the Lord Lieutenant in Council, bearing date the 11th day of August, 1876, made under and pursuant to the provisions of the Factory Act, 1874, or any higher standard which may be attained by the child.

The following is the standard prescribed by the Order of the Lord Lieutenant in Council, dated the 11th of August, 1876 :—

Reading :

Reading intelligently any passage from the fourth book of lessons published by the Commissioners, or from a book of equal difficulty.

Writing :

Writing in small hand, eight lines, dictated slowly from a reading book, spelling and handwriting to be considered.

Arithmetic :

Compound rules (money), and reduction of common weights and measures.

The standard of previous due attendance for the purposes of the 26th section of the said Act shall be that shown in the following table :—

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances after a Child has attained 5 Years of Age.	In not more than Two Schools during each Year for the following Number of Years, whether consecutive or not.
1879	200	Three
1880	200	Four
1881 and following years	200	Five

The above-mentioned Order of the 15th February, 1879, was approved by the Lord Lieutenant and Privy Council in Ireland, by an Order dated the 1st March, 1879, and it was further ordered, directed, and appointed that any principal or sole teacher of a national school, or other certified efficient school in Ireland, might grant, and should be thereby authorised to grant, certificates of proficiency and of previous due attendance pursuant to the 26th section of the said Act.

The above-mentioned Orders of the 7th August, 1893, for England and Wales, and of the 15th February, 1879, and the 1st March, 1879, for Ireland, which were made in pursuance of Sec. 26 of the Factory and Workshop Act, 1878, remain in force, notwithstanding the repeal of that Act, as if they had been made under this section (see Sec. 161 (2)).

As to Scotland, see note (a), *supra*.

(c) As to certified day industrial schools, see Appendix C, Sec. 16 of the Elementary Education Act, 1876.

72.—(1.) In this Act—

The expression “certified efficient school” means a public elementary school (a) within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school (b) which is not conducted for private profit and is

Definitions of “certified efficient school,” and “recognised efficient school.”

open at all reasonable times to the inspection of His Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school (*a*), and keeps such registers of those attendances as are for the time being required by the Board of Education, and is certified by the Board to be an efficient school; and

The expression "recognised efficient school" means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district (*c*), and which is recognised for the time being by an inspector under this Act as giving efficient elementary education (*d*).

(2.) An inspector shall immediately report to the Board of Education every school recognised by him as giving efficient elementary education (*e*).

(*a*) For definition of "public elementary school," see Secs. 3 and 7 of the Elementary Education Act, 1870, set out in Appendix C.

(*b*) "Elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week (*lb*. Sec. 3).

(*c*) See Secs. 8 and 9 of the Elementary Education Act, 1870, set out in Appendix C.

(*d*) In Scotland "certified efficient school" means any public or other elementary school under Government inspection; and "Board of Education" means the Scotch Education Department (Sec. 159 (1), (6)). In Ireland "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of the Act (Sec. 160 (1)); and "recognised efficient school" means a certified efficient school, and

any school which is recognised for the time being by a factory inspector as giving efficient elementary education (Sec. 160 (2)).

(e) In Ireland this report must be made to the Lord Lieutenant (Sec. 160 (7)).

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i.) *Special Provisions.*

73.—(1.) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this sub-section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

Notification of certain diseases contracted in factory or workshop.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district (a); and the provisions of this Act with respect to accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions (b).

(4.) The Secretary of State may, by Special Order, apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this

section and the provisions referred to therein shall apply accordingly (c).

(a) As to the appointment and duties of certifying surgeons, see Sec. 122; and as to their fees, see Sec. 124. Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district is to act for the time being as the certifying surgeon (Sec. 123).

(b) See Secs. 19 to 22.

(c) The Order of the Secretary of State of March 27th, 1899, extending the provisions of Sec. 29 of the Act of 1895 to cases of mercurial poisoning, is now superseded by the provisions of this section.

Provision as to ventilation by fan in certain factories and workshops.

74. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

In proceedings under this section, it is not necessary for the inspector to prove that any worker has actually suffered in health in consequence of inhaling the dust or other impurity. It is sufficient if it is proved that dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to such an extent that it will necessarily tend to injure their health in the long run (*Hoare v. Ritchie* [1901] 1 K. B. 434).

In tenement factories the owner, instead of the occupier, is liable for the observance, and punishable for the non-observance, of the provisions of this section so far as concerns the supply of pipes or other contrivances necessary for working the fan or other means for the prevention of the inhalation of the dust, gas, vapour, or other impurity (Sec. 87 (1) iv.). As to the penalty for not observing the provisions of the section, see Sec. 135.

This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (3)). As to laundries, see Sec. 103 (3) a.

75.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

Lavatories and meals in certain dangerous trades.

(2.) In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal, or to remain during the times allowed to him for meals, in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157 (3)). As to the penalty for a contravention of the section, see Sec. 135.

76.—(1.) A woman, young person, or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Restrictions as to employment in wet-spinning.

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

For penalty, see Sec. 135.

77.—(1.) In the part of a factory or workshop in which there is carried on—

- (A) the process of silvering mirrors by the mercurial process ; or
 - (B) the process of making white lead,
- a young person or child must not be employed.

Prohibition of employment of young persons and children in certain factories and workshops.

(2.) In the part of a factory in which the process of melting or annealing glass is carried on a female young person or a child must not be employed.

(3.) In a factory or workshop in which there is carried on—

(A) the making or finishing (*a*) of bricks or tiles not being ornamental tiles; or

(B) the making or finishing of salt,
a girl under the age of sixteen years must not be employed.

(4.) In the part of a factory or workshop in which there is carried on—

(A) any dry grinding in the metal trade; or

(B) the dipping of lucifer matches,
a child must not be employed.

(5.) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies (*b*).

(*a*) In *Squire v. Stanley*, 1901, 84 L. T. 535, a question arose as to the meaning of the expression “finishing of bricks” in the First Schedule to the Act of 1878, the provisions of which are re-enacted by this section. The bricks, after being produced by kiln-work, were taken to dipping-sheds, where they were placed in a preparing solution, and after having been dipped in glaze and scraped, were stacked, and subsequently baked with a view to setting the glaze. They were then polished and stacked until wanted for sale. It was held that all these processes subsequent to the making of the bricks were processes of “finishing,” and that girls employed in carrying the bricks from place to place in the course of the operations were employed in the “finishing of bricks” within the meaning of the Schedule.

(*b*) As to the penalty for a contravention of the provisions of the section, see Sec. 137.

Prohibition
of taking
meals in
certain parts
of factories
and work-
shops.

78.—(1.) A woman, young person, or child must not be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops, or parts of factories or workshops; that is to say,—

(A) in the case of glass works, in any part in which the materials are mixed; and

(B) in the case of glass works where flint glass is made, in any part in which the work of grinding, cutting, or polishing is carried on; and

(C) in the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and

(D) in the case of earthenware works, in any part known or used as dippers house, dippers drying room, or china scouring room.

(2.) If a woman, young person, or child is allowed to take a meal or to remain during the times allowed for meals in a factory or workshop or part thereof in contravention of this section, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act (*a*).

(3.) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4.) Where it appears to the Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in this section the taking of meals therein is specially injurious to health, he may, if he thinks fit, by Special Order, extend the prohibition in this section to the class of factories or workshops or parts thereof (*b*).

(5.) If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of women, young persons, and children in any class of factories or workshops or parts thereof to which it has been so extended, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another Order.

(*a*) For penalty, see Sec. 137.

(*b*) By an Order of the Secretary of State, dated March 23rd, 1898, which continues in force, notwithstanding the repeal of the enactment under which it was made (Sec. 39 of the Act of 1878), as if it had been made in pursuance of this section (Sec. 161 (2)), the

prohibition was extended to the classes of factories or workshops or parts thereof following, that is to say :—

The parts of textile factories in which the process of gassing is carried on.

The parts of print works, bleaching works, and dyeing works in which the process of singeing is carried on.

The parts of factories or workshops in which any of the following processes are carried on :—

Sorting or dusting wool or hair.

Sorting, dusting, or grinding rags.

Fur-pulling.

Grinding, glazing, or polishing on a wheel.

Brass-casting, typefoundry.

Dipping metal in aquafortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware.

Cleaning and repairing catgut.

Cutting, turning, or polishing bone, ivory, pearlshell, or snailshell.

Manufacturing chemicals or artificial manures.

Manufacturing white lead.

Lithographic printing

Playing-card making

Fancy box making

Paper staining

Almanack making

Artificial flower making

Paper colouring and enamelling

Colour making

} if and when dry powder
or dust is used.

(ii.) *Regulations for Dangerous Trades.*

The provisions of the following eight sections (79 to 86) are applied by Sec. 104 to every dock, wharf, quay, and warehouse, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal; by Sec. 105 to any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building; and by Sec. 106 to certain railway lines and sidings.

Power to
make regula-
tions for
safety of

79. Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories or workshops, is

dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labour, to be dangerous; and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable, and to meet the necessity of the case.

persons
employed in
dangerous
trades.

The following processes have been certified by the Secretary of State to be dangerous or injurious to health, namely:—

Processes in—

The manufacture of white lead.

The manufacture of paints, colours, and in the extraction of arsenic.

Enamelling of iron plates.

(Certificate dated 9th May, 1892.)

The manufacture of lucifer matches, except such as are made with red or amorphous phosphorus.

(Certificate dated 2nd June, 1892.)

The manufacture of earthenware.

The manufacture of explosives in which di-nitro-benzole is used.

Chemical works.

Quarries.

(Certificate dated 24th December, 1892.)

The manufacture of red, orange, or yellow lead.

Lead smelting.

The tinning and enamelling of iron hollow-ware.

Electric accumulator works.

(Certificate dated 2nd January, 1894.)

Flax mills and linen factories.

(Certificate dated 3rd January, 1894.)

The tinning and enamelling of metal hollow-ware and cooking utensils.

(Certificate dated 19th June, 1894.)

Processes in which yellow chromate of lead is used or in which goods dyed with it undergo the process of bundling or noddling, winding, reeling, weaving, or any other treatment.

(Certificate dated 9th April, 1895.)

Processes in the mixing and casting of brass, gun metal, bell metal, white metal, delta metal, phosphor bronze, and manilla mixture.

(Certificate dated 1st January, 1896.)

The process of sorting wool, goat-hair, or camel-hair, and the processes incidental thereto.

(Certificate dated 23rd July, 1896.)

The process of bottling aerated water and the processes incidental thereto, including the examining and labelling of the bottles.

(Certificate dated 11th September, 1896.)

The process of vulcanizing india-rubber by means of bisulphide of carbon, and the processes incidental thereto.

(Certificate dated 1st December, 1896.)

The process of sorting foreign hides and skins and dry East Indian hides and skins, and the processes incidental thereto.

(Certificate dated 2nd April, 1898.)

The manufacture and decoration of earthenware and china.

(Certificate dated 7th May, 1898.)

The dusting of colours on adhesive surfaces for the purpose of making transfers for use in the manufacture or decoration of earthenware and china.

(Certificate dated 3rd August, 1898.)

The process of glazing bricks with the use of lead.

(Certificate dated 17th December, 1898.)

The processes of sorting, willeying, washing, combing, and carding wool, goat-hair and camel-hair, and processes incidental thereto.

(Certificate dated 28th November, 1899.)

In pursuance of these certificates, Special Rules for the observance of the occupiers of, and persons employed in, factories or workshops in which any of the above-mentioned processes are carried on, have been established under the provisions of the Acts of 1891 and 1895. All the Special Rules now in force, together with the provisions of the Acts of 1891 and 1895 under which they were made and are enforced, are set out in Appendix A. These provisions—namely, Secs. 8, 9, 10, and 12, and the First Schedule of the Act of 1891, and Secs. 12, 24 (3), and 28 of the Act of 1895—are not

repealed as from the commencement of this Act, but as from a date to be fixed by Order of the Secretary of State (Sec. 161, and Seventh Schedule); and by Sec. 161 (2) it is provided that all Special Rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act; and that nothing in this Act shall be construed as altering the mode of making such Special Rules or requirements whilst the power to make them continues in force. Special Rules for dangerous and unhealthy trades may, therefore, still be made and enforced in the manner provided by the Acts of 1891 and 1895, notwithstanding the provisions made by this and the following seven sections for the making and enforcing of regulations as to such trades.

80.—(1.) Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

Procedure
for making
regulations.

(2.) Every objection must be in writing and state—

- (A) the draft regulations or portions of draft regulations objected to;
- (B) the specific grounds of objection; and
- (C) the omissions, additions, or modifications asked for.

(3.) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4.) Where the Secretary of State does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall,

before making the regulations, direct an inquiry to be held in the manner hereinafter provided.

See note to Sec. 79, *ante*, pp. 99—101, and Appendix A.

Inquiries.

81.—(1.) The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft regulations, and report to him thereon.

(2.) The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent.

(3.) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4.) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State.

(5.) The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct, and shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.

Application of regulations.

82.—(1.) The regulations made under the foregoing provisions of this Act may apply to all the factories and workshops (*a*) in which the manufacture, machinery, plant, process, or description of manual labour, certified to be dangerous is used (whether existing at the time when the regulations are made or afterwards established) or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions.

(2.) The regulations may apply to tenement factories (*b*) and tenement workshops (*b*), and in such case may impose duties on occupiers who do not employ any person, and on owners (*c*).

(3.) No person shall be precluded by any agreement

from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under this Act.

(a) See note preceding Sec. 79, *ante*, p. 98.

(b) For definitions of "tenement factory" and "tenement workshop," see Sec. 149.

(c) As to the meaning of "owner," see Sec. 156 (1).

83. Regulations made under the foregoing provisions of this Act may, among other things,—

Provisions which may be made by regulations.

(A) prohibit the employment of, or modify or limit the period of employment of, all persons or any class of persons in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous; and

(B) prohibit, limit, or control the use of any material or process; and

(C) modify or extend any special regulations for any class of factories or workshops contained in this Act (a).

(a) See Secs. 74 to 78.

84. Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and if either House within the next forty days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.

Regulations to be laid before Parliament.

85.—(1.) If any occupier, owner, or manager, who is bound to observe any regulation under this Act (a), acts in contravention of or fails to comply with the

Breach of regulations.

regulation, he shall be liable for each offence to a fine not exceeding ten pounds, and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.

(2.) If any person other than an occupier, owner, or manager, who is bound to observe any regulation under this Act (*a*), acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable to a fine not exceeding ten pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

(*a*) *I.e.*, any regulation made in pursuance of Secs. 79 to 84.

Publication of regulations.

86.—(1.) Notice of any regulations having been made under the foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the London, Edinburgh, and Dublin Gazettes.

(2.) Printed copies of all regulations for the time being in force under this Act in any factory or workshop (*a*) shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the regulations shall be posted up in the Welsh language also.

(3.) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his or her application.

(4.) If the occupier of any factory or workshop (*a*) fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine not exceeding ten pounds.

(5.) Every person who pulls down, injures, or defaces any regulations posted up in pursuance of this Act, or

any notice posted up in pursuance of the regulations, shall be liable to a fine not exceeding five pounds.

(6.) Regulations for the time being in force under this Act shall be judicially noticed.

(a) See note preceding Sec. 79, *ante*, p. 98.

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) *Tenement Factories.*

87.—(1.) The owner (a) (whether or not he is one of the occupiers) of a tenement factory (b) shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions of this Act (c), namely, the provisions with respect to—

Duties of owner of tenement factory.

- (i.) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in section one of this Act, including, so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to limewashing and washing of the interior of a factory ;
- (ii.) the fencing of machinery, and penal compensation for neglect to fence machinery in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier (d) ;
- (iii.) the notices to be affixed in a factory with respect to the period of employment, times for meals, and system of employment of children (e) ;
- (iv.) the prevention of the inhalation of dust, gas, vapour, or other impurity, so far as that provision requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose (f) ; and
- (v.) the affixing of an abstract and notices in a factory (g).

Provided that any occupier may affix in his own

tenement the notice with respect to the period of employment, times for meals, and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner (*e*).

(2.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises (*h*) shall apply in the case of a tenement factory (*b*) as if the owner (*a*) were substituted for the occupier.

(3.) In the case of any tenement factory (*b*) or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner (*a*) shall, if the Secretary of State by Order so directs, be substituted for the occupier for the purpose of the requirements of section seven and section ninety-four of this Act or of any Order of the Secretary of State with respect to ventilation.

(4.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of this Act, any summons, notice, or proceeding, which for the purpose of any of those provisions is by this Act required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to the owner.

(*a*) For definition of "owner," see Sec. 156 (1).

(*b*) "Tenement factory" means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of the Act with respect to tenement factories all buildings situate within the same close or curtilage are to be treated as one building (Sec. 149 (1)).

(*c*) For the purposes of Secs. 11 and 14 also, the owner of a tenement factory or tenement workshop is substituted for the occupier, and the whole of such a factory or workshop is deemed to be one factory or workshop (Secs. 11 (6), 14 (7)). See also Sec. 82 (2) as to regulations for dangerous trades in the case of

tenement factories and tenement workshops, and Sec. 88 as to grinding cutlery in a tenement factory.

(*d*) See Secs. 10 and 136.

(*e*) See Secs. 32 and 128.

(*f*) See Sec. 74.

(*g*) See Sec. 128.

(*h*) Sec. 18.

88.—(1.) Where grinding is carried on in a tenement factory (*a*), the owner (*b*) of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

Regulations as to grinding of cutlery in tenement factory.

(2.) In every such tenement factory it shall be the duty of the owner (*b*) and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding of cutlery is carried on, the owner (*b*) of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act (*c*), but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5.) This section shall not apply to a textile factory (*d*).

(*a*) For definition of "tenement factory," see Sec. 149 (1).

(*b*) For definition of "owner," see Sec. 156 (1).

(*c*) For penalty, see Sec. 135.

(*d*) For definition of "textile factory," see Sec. 149 (1).

89. A certificate of the fitness of any young person or child for employment in a tenement factory shall be

Certificate of fitness in tenement factory.

valid for his similar employment in any part of the same tenement factory.

As to certificates of fitness, see Secs. 63 and 64; and for definition of tenement factory, see Sec. 149 (1).

(ii.) *Cotton Cloth and other Humid Factories.*

Temperature
and humidity.

90. In every room, shed, or workshop, or part thereof, in which the weaving of cotton cloth is carried on (in this Act referred to as a "cotton cloth factory") (a), the following provisions shall have effect:—

- (1.) The amount of moisture in the atmosphere must not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in the Fourth Schedule to this Act opposite to such figure in column II. as represents the temperature existing in the cotton cloth factory at that time:

Provided that the temperature shall not at any time be raised by any artificial means whatsoever (except by gas used for lighting purposes only) above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere.

- (2.) The fact that one of the wet-bulb thermometers in the factory gives a higher reading than the figure shown in column III. of the said table opposite to such figure in column II. as represents the temperature existing in the factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit prescribed by this section.

(a) As to other humid factories, see Sec. 96.

Power to
alter table of
humidity.

91. The Secretary of State may by Order repeal or vary the table in the Fourth Schedule to this Act, and substitute any new or amended table therefor (a).

Provided as follows:—

- (A) The varied or substituted table shall be laid in a complete form before both Houses of Parliament

if Parliament is sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if the table is disapproved by either House of Parliament within forty days after having been so laid before Parliament, the table shall be void and of no effect :

- (B) The table shall not come into operation until it has been laid before Parliament for forty days ; but after the expiration of those forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the London Gazette, and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in that factory, and after the expiration of fourteen days from the first publication thereof in the London Gazette, the varied or substituted table shall be deemed to be the table in the Fourth Schedule to this Act.

(a) The table in Fourth Schedule confirms and supersedes the Order of the Secretary of State, dated 27th April, 1893.

92.—(1.) In every cotton cloth factory, for the purpose of recording the humidity of the atmosphere and the temperature there must be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers.

Employment
of thermo-
meters.

(2.) The following regulations shall be observed with reference to the employment of such thermometers :—

- (A) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as is directed or sanctioned by an inspector, so as to be plainly visible to the workers ;
- (B) The occupier or manager or person for the time being in charge of the factory shall read the thermometers thrice in the day, namely, between seven and eight o'clock in the forenoon, between ten and

eleven o'clock in the forenoon, and between three and four o'clock in the afternoon, on every day on which any workers are employed in the factory, and shall record the readings of each thermometer at each of those times on a form provided for the purpose for each set of thermometers in accordance with the Form of Record and the regulations contained in the Fourth Schedule to this Act;

- (c) The form in which the readings of each thermometer are to be recorded must be kept hung up near the thermometers, and after being duly filled up, must be forwarded at the end of each month to the inspector of the district, and a copy must be kept at the factory for reference;
- (d) There must be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers, a copy of the table set out in the Fourth Schedule to this Act;
- (e) Each form shall be *primâ facie* evidence of the humidity of the atmosphere and temperature in the factory in which the form was hung up.

For definition of cotton cloth factory, see Sec. 90; and as to the application of this section to other humid factories, see Sec. 96.

Notices and inspections where humidity is artificially produced.

93.—(1.) The occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at which such artificial production of humidity is commenced, give notice thereof in writing to the chief inspector of factories (a).

(2.) Every factory in respect of which any such notice has been given shall be visited by an inspector once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in the prescribed form (b).

(3.) If at any time the occupier of any factory in respect of which any such notice has been given ceases to produce humidity by artificial means, he may give notice in writing of such cessation and from the date of that notice, and so long as humidity is not artificially produced in the factory, the provisions of this section shall not apply to that factory.

(a) For definition of cotton cloth factory, see Sec. 90; and as to the application of this section to other humid factories, see Sec. 96.

(b) The form prescribed by Order of the Secretary of State dated 2nd February, 1898, and made under the Cotton Cloth Factories Acts, 1889 and 1897, is as follows:—

Form of Inspector's Report.

Name of Occupier

Address of Factory

Rooms used.	Process carried on.	Number of Operatives.	Cubic Feet in Room.	Carbonic Acid in parts per 10,000.	General State of		
					Temperature.	Humidity.	Ventilation.

Date of Visit

In the period from _____ to _____ the temperature was on _____ occasions, and the humidity on _____ occasions, in excess of the maximum fixed by the Cotton Cloth Factories Act, 1889 (Sec. 5 and Sched. A.).

General Remarks.

(Signed)

Inspector.

Regulations
for the pro-
tection of
health.

94. In every cotton cloth factory the following regulations for the protection of health shall have effect, viz. :—

- (1.) The water used for the purpose of producing humidity shall either be taken from a public supply of drinking water or other source of pure water, or shall be effectively purified to the satisfaction of the inspector before being introduced in the form of steam into the factory, and all ducts for the introduction of humidified air shall be kept clean.
- (2.) The pipes used for the introduction of steam into a cotton cloth factory in which the temperature is seventy degrees Fahrenheit or over shall, so far as they are within the shed, be as small both in diameter and length as is reasonably practicable, and shall be effectively covered with non-conducting material to the satisfaction of the inspector, so as to minimise the amount of heat thrown off by them into the shed.
- (3.) In the case of a cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only), the arrangements for ventilation shall be such that during working hours in no part of the cotton cloth factory shall the proportion of carbonic acid (carbon dioxide) in the air be greater than nine volumes of carbonic acid to every ten thousand volumes of air.
- (4.) Unless some other method certified by the inspector to be equally satisfactory is adopted, the outside of the roof of every cotton cloth factory shall be white-washed every year before the thirty-first day of May, and such whitewash shall be effectively maintained until the thirty-first day of August.
- (5.) In every cotton cloth factory erected after the second day of February one thousand eight hundred and ninety-eight a sufficient and suitable cloak room, or cloak rooms, shall be provided for the use of all

the persons employed therein, and shall be ventilated and kept at a suitable temperature.

This section confirms and supersedes the provisions of an Order of the Secretary of State, dated 2nd February, 1898. It does not apply to the other humid factories referred to in Sec. 96. In the case of tenement factories, the owner may, by Order of the Secretary of State, be substituted for the occupier for the purpose of the requirements of this section (Sec. 87 (3)). For the definition of cotton cloth factory, see Sec. 90.

95. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the foregoing provisions with regard to cotton cloth factories, the inspector shall give notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance, and if those acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after the notice has been given, the occupier of the factory shall be liable, for the first offence to a fine not less than five pounds and not exceeding ten pounds, and for every subsequent offence to a fine not less than ten pounds and not exceeding twenty pounds.

Penalties
for non-
compliance.

The general power given to a Court of summary jurisdiction by Sec. 4 of the Summary Jurisdiction Act, 1879, to reduce the prescribed amount of a fine, where such fine is imposed in respect of a first offence, does not empower it to reduce the minimum fine of £5 imposed for a first offence under this section (*Osborn v. Wood* [1897] 1 Q. B. 197). As to tenement factories, see Sec. 87 (3), (4).

96. The foregoing provisions of this Act (a) with respect to cotton cloth factories shall apply to every textile factory (b) in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which regulations under Part IV. of this Act (c) with respect to humidity are not for the time being in force, but subject to the following qualifications, namely:—

Application
of foregoing
provisions
to other
humid
factories.

- (A) The Secretary of State may by Special Order modify the provisions of the Fourth Schedule to this Act with respect to the maximum limits of humidity (d).
- (B) The reading of the thermometer between seven and eight o'clock in the forenoon shall not be required; and

(c) Section ninety-four respecting regulations for the protection of health in cotton cloth factories shall not apply; and

(d) The regulations in section ninety-two distinguished as (B), (c), (D), and (E) which are required to be observed with reference to the employment of thermometers shall not apply to cotton spinning mills.

(a) Secs. 90 to 95.

(b) For definition of textile factory, see Sec. 149 (1).

(c) Secs. 79 to 86.

(d) By an Order dated the 24th December, 1898, the Secretary of State directed that so far as relates to factories in which the spinning of merino, cashmere, or wool by the "French" or "dry" process is carried on, Sched. A. of the Cotton Cloth Factories Act, 1889 (52 & 53 Vict. c. 62), should be modified so as to read as follows:—

**SCHEDULE OF THE MAXIMUM LIMITS OF HUMIDITY OF ATMOSPHERE
TO BE OBSERVED AT GIVEN TEMPERATURES IN FACTORIES IN
WHICH THE SPINNING OF MERINO, CASHMERE, OR WOOL BY THE
"FRENCH" OR "DRY" PROCESS IS CARRIED ON.**

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. (Saturation = 100.)
1·9	35	33	80
2·0	36	34	82
2·1	37	35	83
2·2	38	36	83
2·3	39	37	84
2·4	40	38	84
2·5	41	39	84
2·6	42	40	85
2·7	43	41	84
2·8	44	42	84
2·9	45	43	85
3·1	46	44	86
3·2	47	45	86
3·3	48	46	86
3·4	49	47	86
3·5	50	48	86
3·6	51	49	86
3·8	52	50	86
3·9	53	51	86
4·1	54	52	86
4·2	55	53	87
4·4	56	54	87
4·5	57	55	87

SCHEDULE—*continued.*

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. (Saturation = 100.)
4.7	58	56	87
4.9	59	57	88
5.1	60	58	88
5.2	61	59	88
5.4	62	60	88
5.6	63	61	88
5.8	64	62	88
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.3	71	69	88
7.6	72	70	89
7.8	73	71	89
8.1	74	72	89
8.4	75	73	89
8.6	76	74	89
8.9	77	75	89
9.2	78	76	89
9.5	79	77	90
9.8	80	78	90
10.1	81	79	90
10.5	82	80	90
10.8	83	81	90
11.1	84	82	90
11.5	85	83	90
11.8	86	84	90
12.2	87	85	90
12.6	88	86	90
13.0	89	87	90
13.4	90	88	90
13.8	91	89	90
14.2	92	90	90
14.7	93	91	90
15.1	94	92	90
15.5	95	93	91
16.0	96	94	90
16.5	97	95	90
17.0	98	96	90
17.5	99	97	91
18.0	100	98	90

This Order was made under Sec. 31 (1) of the Factory and Workshop Act, 1895, but remains in force as if it had been made under this section (see Sec. 161 (2)).

(iii.) *Bakehouses.*

Sanitary
regulations
for bake-
houses.

97.—(1.) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with:—

- (A) A watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse ;
- (B) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset ;
- (C) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2.) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

“Bakehouse” is defined as any place in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived (Sched. VI. (23)). In retail bakehouses as defined by Sec. 102, the provisions of this and the following four sections are enforced by the local authority, and not by a factory inspector (Sec. 102), subject, however, to the right of a factory inspector to act in default of the local authority, either in pursuance of an Order of the Secretary of State under Sec. 4, or after notice to the local authority under Sec. 5 (see pp. 11—13, *ante*). A bakehouse is a factory if mechanical power is used in aid of the manufacturing process carried on there (Sec. 149 (1)). If such power is not used, it is a workshop (*Ib.*).

Penalty for
bakehouse
being unfit
on sanitary
grounds.

98.—(1.) Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a district council that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first

offence, forty shillings, and for any subsequent offence five pounds.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

See note to Sec. 97, *supra*. As to the meaning of "Court of summary jurisdiction" in Scotland, see Sec. 159 (5), and in Ireland, Sec. 160 (8).

99.—(1.) All the inside walls of the rooms of a bakehouse, and all the ceiling or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

Limewashing,
painting, and
washing of
bakehouses.

(A) Where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap once at least in every six months; and

(B) Where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2.) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

See note to Sec. 97, *ante*, p. 116. For the penalty for a contravention of this section, see Sec. 135.

Provision as to sleeping places near bakehouses.

100.—(1.) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it is constructed as follows; that is to say

- (A) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and
- (B) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2.) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

See note to Sec. 97, *ante*, p. 116.

Prohibition of underground bakehouses.

101.—(1.) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act (*a*).

(2.) Subject to the foregoing provision, after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council (*b*) to be suitable for that purpose (*c*).

(3.) For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression "baking room" means any room used for baking, or for any process incidental thereto.

(4.) An underground bakehouse shall not be certified as suitable unless the district council (*b*) is satisfied that it is suitable as regards construction, light, ventilation, and in all other respects.

(5.) This section shall have effect as if it were included among the provisions relating to bakehouses which are

referred to in section twenty-six of the Public Health (London) Act, 1891 (*d*).

(6.) If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act (*e*).

(7.) In the event of the refusal of a certificate by the district council (*b*), the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction (*f*), and if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8.) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner (*g*), he may by complaint apply to a court of summary jurisdiction (*f*), and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.

(*a*) See note to Sec. 97, *ante*, p. 116. In *Schwerzerhof v. Willins* [1898] 1 Q. B. 640, the defendant was convicted under Sec. 27 (3) of the Factory and Workshop Act, 1895, for using as a bakehouse a place underground which was not so used at the commencement of that Act. The place in question was fitted up as an underground bakehouse in 1879, and was used as such down to October, 1895, when the tenant left. The premises remained vacant until February, 1896, the owner in the meantime putting them in repair and advertising them as being to let as baker's premises. In February, 1896, the defendant became tenant, and at once commenced to use the underground portion of the premises as a bakehouse. It was held by the High Court that there had been no

interruption in the use of the premises as a bakehouse, and that they were so used at the commencement of the Act on the 1st of January, 1896. The conviction was accordingly quashed.

(b) The references to a district council in this and the following section are to be construed in the city of London as references to the Court of Common Council; in any other part of the administrative county of London, as references to the council of a metropolitan borough (Sec. 153 (4)); in a county borough, as references to the council of the county borough (Sec. 154); and in Scotland, as references to the local authority under the Public Health (Scotland) Act, 1897 (Sec. 159 (2)).

(c) The effect of this sub-section is that underground premises, even though lawfully used as bakehouses at the passing of this Act, may not be so used after the 1st January, 1904, except when the local authority or a Court of summary jurisdiction is satisfied that they are suitable in every respect for that purpose, and grants a certificate accordingly.

(d) Sec. 26 of the Public Health (London) Act, 1891, provides as follows:—

“(1.) Sections 34, 35, and 81 of the Factory and Workshop Act, 1878 and sections 15 and 16 of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions) shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate . . .”

“(2.) For the purposes of this section the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.”

The provisions of the Acts of 1878 and 1883 referred to are re-enacted by Secs. 97 to 100 of this Act, so that Sec. 26 of the Public Health (London) Act, 1891, must now be read as referring to Secs. 97 to 101 of this Act.

(e) For penalty, see Sec. 135.

(f) As to the meaning of “Court of summary jurisdiction” in Scotland, see Sec. 159 (5); and in Ireland, Sec. 160 (8).

(g) For definition of “owner,” see Sec. 156 (1).

102. As respects every retail bakehouse, the provisions of this Part of this Act (a) shall be enforced by the district council (b) of the district in which the retail

bakehouse is situate, and not by an inspector (c); and for the purposes of this section the medical officer of health of the district council (b) shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector (d).

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory (e), the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

(a) Secs. 97 to 101.

(b) See notes (b) and (d) to Sec. 101, *ante*, p. 120.

(c) With respect to bakehouses which are factories, and wholesale bakehouses, the provisions of the Act are enforceable by factory inspectors. A factory inspector may also take the necessary proceedings for enforcing the provisions of the Act, or for punishing or remedying any default, in the case of retail bakehouses, if authorised by the Secretary of State (see Sec. 4), or if, after notice in writing from the inspector, proceedings are not taken by the local authority within one month (see Sec. 5).

(d) As to the powers of an inspector, see Sec. 119.

(e) A bakehouse is a factory if steam, water, or other mechanical power is used in aid of the manufacturing process carried on there (Sec. 149).

(iv.) *Laundries.*

103.—(1.) In every laundry carried on by way of trade, or for purposes of gain, the following provisions shall apply (a):—

Application
of Act to
laundries.

- (A) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women fourteen hours, for young persons twelve hours, and for children ten hours in any consecutive twenty-four hours; nor a total for women and young persons of sixty hours, and for children of thirty hours, in any one week, in addition to such overtime as may be allowed in the case of women (b);
- (B) A woman, young person, or child (b) must not be employed continuously (c) for more than five hours

without an interval of at least half an hour for a meal ;

(c) Women, young persons, and children (*b*) employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons, and children employed in a factory or workshop under this Act (*d*).

(d) So far as regards provisions with respect to health and safety (*e*), accidents (*f*), education of children (*g*), notice of occupation of a factory or workshop (*h*), the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries) (*i*), powers of inspectors (*j*), fines, and legal proceedings for any failure to comply with the provisions of this section (*k*), this Act shall have effect as if every laundry in which steam, water, or other mechanical power (*l*) is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop ;

(e) The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day (*m*) ;

(f) The provisions of this Act prohibiting the employment of women within four weeks after child-birth (*n*), and of children under the age of twelve years (*o*), shall apply to the laundry in like manner as to a factory or workshop.

(2.) Women (*b*) employed in laundries may work overtime, subject to the following conditions, namely :—

(A) A woman must not work more than fourteen hours in any day ; and

(B) The overtime worked must not exceed two hours in any day ; and

(c) Overtime must not be worked on more than three

days in any week or more than thirty days in any year; and

(D) The requirements of section sixty of this Act with respect to notices must be observed.

(3.) In the case of every laundry worked by steam, water, or other mechanical power (*l*)—

(A) a fan or other means of a proper construction must be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry; and

(B) all stoves for heating irons must be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes must not be used; and

(C) the floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act (*p*).

(4.) Nothing in this section shall apply to any laundry in which the only persons employed are—

(A) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than this Act; or

(B) inmates of an institution conducted in good faith for religious or charitable purposes; or

(C) members of the same family dwelling there,

or in which not more than two persons dwelling elsewhere are employed.

(a) The effect of this section is that, subject to the exceptions mentioned in Sub-sec. (4), laundries carried on by way of trade, or for purposes of gain, are brought within the scope of the provisions of the Act generally, as if, where mechanical power is used in aid of the laundry process, they were factories, and where such power is not so used, they were workshops; except that with regard to the hours of employment, overtime, and meal times, laundries are governed by the regulations contained in this section instead of those which govern factories and workshops, and the provisions of

the Act with respect to certificates of fitness for employment do not apply to laundries.

(b) For definitions of "woman," "young person," and "child," see Sec. 156 (1); and as to overtime see Sub-sec. (2) of this section.

(c) For definition of "employment," see Sec. 152; and as to the meaning of "continuous employment," Sec. 156 (2).

(d) See Sec. 35.

(e) Secs. 1 to 18.

(f) Secs. 19 to 22.

(g) Secs. 68 to 72.

(h) Sec. 127.

(i) Secs. 32 and 128.

(j) Secs. 67 and 119.

(k) Secs. 135 to 147.

(l) See note (c) to Sec. 10, *ante*, p. 19.

(m) See Sec. 32.

(n) Sec. 61.

(o) Sec. 62.

(p) For penalty, see Sec. 135.

(v.) *Docks.*

104.—(1.) The provisions of this Act with respect to (a)—

(i.) Power to make orders as to dangerous machines (section seventeen);

(ii.) Accidents (b);

(iii.) Regulations for dangerous trades (c);

(iv.) Powers of inspectors (section one hundred and nineteen); and

(v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if every dock, wharf, quay, and warehouse (d), and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal (e) were included in the word "factory," and the purpose for which the machinery or plant is used were a manufacturing process; and as if the person who by himself, his agents, or workmen, uses any such machinery or plant for the before-mentioned purpose were the occupier of the premises (f); and for the purpose of the enforcement of those provisions the person

having the actual use or occupation (*g*) of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof (*g*), and the person so using any such machinery or plant (*f*) shall be deemed to be the occupier of a factory.

(2.) For the purposes of this section the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship (*h*), and the expressions "ship" and "harbour" have the same meaning as in the Merchant Shipping Act, 1894 (*i*).

57 & 58 Vict.
c. 60.

(a) See also Sec. 11 as to steam boilers; and Sec. 130 (2) as to the power of the Secretary of State to require the occupier of any place to which any of the provisions of the Act apply, to make a return, to the Chief Inspector of Factories, of persons employed.

(b) Secs. 19 to 22.

(c) Secs. 79 to 86.

(d) The Act does not contain any definitions of "wharf," "quay," or "warehouse." In *Haddock v. Humphrey* [1900] 1 Q. B. 609, a case under the Workmen's Compensation Act, 1897, it was held by the Court of Appeal (Rigby, L.J., dissenting) that the word "wharf" is to be construed in its ordinary popular sense as meaning a place "contiguous to water, over which goods pass in the process of loading and unloading, and which serves as a factor in their transference from the water to the land;" and that a yard, which formed part of the premises of a dock company, but which was more than 150 yards from the water's edge, and was separated from the space adjoining the water by a fence and gates, and was leased by the dock company to a particular firm for the storage of timber, was not a wharf.

The term "warehouse" in its ordinary sense signifies any building or part of a building in which goods or merchandise are stored in the way of trade or commerce, and may include, not only public warehouses kept by dock companies, wharfingers or warehousemen, for the storage of goods for hire, but also private warehouses kept by merchants and manufacturers for the storage of their own goods, and possibly also warehouses attached to shops in which goods are stored for the purpose of sale by retail.

(e) With regard to machinery and plant, this section is an important extension of the provisions of Sec. 23 of the Act of 1895, which applied only to machinery and plant used in the process of loading or unloading from or to any dock, wharf, quay, or warehouse. This section applies to all machinery or plant used in the process of

loading or unloading or coaling any ship in any dock, harbour, or canal, and does away, as from the commencement of this Act, with the effect of the decisions in *Hennessey v. McCabe* [1900] 1 Q. B. 491, C. A.; *Laing v. Young*, 1900, 3 Fraser, 31, C. of Sess.; and *Blair v. Dundalk, &c., Packet Co.*, 1899, 33 Ir. T. L. R. 132, C. A. Ir., which were all cases under the Workmen's Compensation Act, 1897.

It was held by the Court of Session in *Healy v. Macgregor*, 1900, 2 Fraser, 634, and the *Aberdeen Steam Trawling Co. v. Peters*, 1899, 1 Fraser, 786, that the provisions of Sec. 23 of the Act of 1895 had no application to machinery on board ship; but these cases must be considered overruled by the decision of the House of Lords in *Stuart v. Nixon* [1901] A. C. 79, where it was held that machinery forming part of the apparatus of the ship which was being loaded came within the operation of the section; and also that the process of loading was not complete until the hatchway was secured.

In *Medd v. MacIver*, 1899, 15 T. L. R. 364, it was held by the Court of Appeal that iron gangway doors through which the cargo was taken in and discharged from a ship were not "plant" used in the process of loading or unloading; and in *Durrie v. Warren*, 1899, 15 T. L. R. 365, that a staging, which was fastened outside a ship and was used in the operation of screwing up the gangway doors after the completion of the loading, was not "plant" used in the process of loading or unloading. It may be contended, however, that these cases are overruled by the decision of the House of Lords in *Stuart v. Nixon, supra*.

"Ship" includes "every description of vessel used in navigation not propelled by oars;" and "harbour" includes "harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, or other works in or at which ships can obtain shelter, or ship and unship goods or passengers" (Merchant Shipping Act, 1894, s. 742).

(f) In *Carrington v. Bannister* [1901] 1 K. B. 20, a firm of coal shippers, for the purpose of unloading coal from railway trucks into a ship lying alongside a quay belonging to the railway company, used machinery on the quayside. The machinery belonged to the railway company, but the workmen employed by the coal shippers had the possession and sole control of it until the job, which lasted two days, was finished. It was held by the Court of Appeal that the coal shippers were the occupiers of the machinery within the meaning of Sec. 23 of the Act of 1895. So, where stevedores loaded a ship in a dock by means of machinery on board the ship, it was held by the House of Lords that they were the occupiers of the machinery (*Stuart v. Nixon* [1901] A. C. 79; see also *Woodham v. Atlantic Transport Co.* [1899] 1 Q. B. 15).

(g) In *Raine v. Jobson* [1901] A. C. 404, where a firm of ship

repairers, having no dock of their own, hired a dry dock for the purpose of cleaning and repairing a ship, and were for the time being in the exclusive occupation of such dry dock for that purpose, it was held by the House of Lords that they were the occupiers of a factory within the meaning of Sec. 23 of the Act of 1895; and in *Merrill v. Wilson* [1901] 1 K. B. 35, where a firm of shipowners, who themselves acted as stevedores for the loading and unloading of their vessels, had the use of the portion of a quay alongside which one of their ships was moored, for the purpose of unloading the ship, it was held by the Court of Appeal that, as they monopolised the use of a definable portion of the quay, they must be deemed to be the occupiers of a factory within the meaning of the section. See, however, *Low v. Abernethy*, 1900, 2 Fraser, 722; and *Bruce v. Henry*, 1900, 2 Fraser, 717, C. of Sess.

(h) See *Merrill v. Wilson* [1901] 1 K. B. 35.

(i) See note (e), *supra*.

(vi.) *Buildings.*

105.—(1.) The provisions of this Act with respect to (a)—

Application
of certain
provisions
to buildings.

(i.) Power to make orders as to dangerous machines (section seventeen);

(ii.) Accidents (b);

(iii.) Regulations for dangerous trades (c);

(iv.) Powers of inspectors (section one hundred and nineteen); and

(v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if any premises on which machinery worked by steam, water, or other mechanical power (d) is temporarily used for the purpose of the construction of a building or any structural work in connection with a building were included in the word "factory," and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those provisions the person so using

any such machinery shall be deemed to be the occupier of a factory (*e*).

(2.) The provisions of this Act with respect to notice of accidents (*f*), and the formal investigation of accidents (*g*), shall have effect as if—

(A) any building which exceeds thirty feet in height (*h*), and which is being constructed or repaired by means of a scaffolding (*i*); and

(B) any building which exceeds thirty feet in height (*h*), and in which more than twenty persons, not being domestic servants, are employed for wages (*j*),

were included in the word “factory,” and, as if, in the first case, the employer of the persons engaged in the construction or repair and, in the second case, the occupier of the building, were the occupier of a factory.

(*a*) See note (*a*) to Sec. 104, *ante*, p. 125.

(*b*) Secs. 19 to 22.

(*c*) Secs. 79 to 86.

(*d*) See note (*c*) to Sec. 10, *ante*, p. 19.

(*e*) See *McNicholas v. Dawson* [1899] 1 Q. B. 773.

(*f*) Sec. 19.

(*g*) Sec. 22.

(*h*) In *Hoddinott v. Newton* [1899] 1 Q. B. 1018, where a building measured twenty-eight feet from the ground level to the parapet, and thirty-six feet from the ground level to the ridge of the roof, the Court of Appeal held that the County Court Judge was right in including the height of the roof in the measurement in order to ascertain the height of the building for the purposes of the Workmen's Compensation Act, 1897, and that the building exceeded thirty feet in height within the meaning of that Act; and on appeal to the House of Lords the decision of the Court of Appeal was affirmed ([1901] A. C. 49). No opinion was expressed in this case as to whether the height of the building below the ground level ought to be taken into consideration. But in a Scotch case—*Halstead v. Thomson*, 1901, 38 Sc. L. R. 473—the Court of Session has held that the basement, exclusive of the foundations, as well as a cupola on the roof, were properly included in the measurement of a building in order to ascertain its height. It was not necessary to decide whether the foundations also ought to be included.

In *Rixson v. Pritchard* [1900] 1 Q. B. 800, it was held by the

Court of Appeal that an internal communication between two adjoining buildings, one of which was less and the other more than thirty feet in height, did not make the smaller building part of the larger, so as to bring it within the scope of the Workmen's Compensation Act, even though both buildings were used for the purpose of the same business.

(i) Several cases have arisen under the Workmen's Compensation Act, 1897, as to the meaning of the words "being constructed or repaired by means of a scaffolding."

In *Wood v. Walsh* [1899] 1 Q. B. 1009, it was held by the Court of Appeal that painting the outside of a house was not construction or repair; that a ladder *per se* was not scaffolding; and that the question whether an arrangement with a plank and a ladder was a scaffolding was a question of fact.

In *Maude v. Brook* [1900] 1 Q. B. 575, plastering work was being done inside a newly-erected house, the house having been roofed in and the external scaffolding removed; and in order to reach the ceilings and upper parts of the walls to do the plastering, boards laid across the tops of movable trestles about four feet high were being used. The Court of Appeal held that there was evidence to justify the finding of the County Court Judge that the arrangement of boards and trestles was a scaffolding and that the building was being constructed by means of such scaffolding.

In *Ferguson v. Green* [1901] 1 K. B. 25, the arbitrator appointed by the County Court Judge held that a platform constructed by means of boards and trestles was not a scaffolding. On a case stated, this decision was set aside by the County Court Judge, but was restored by the Court of Appeal, Smith, M.R., being of opinion that the question whether the arrangement was a scaffolding was purely one of fact, Collins, L.J., and Stirling, L.J., that it was a mixed question of fact and law.

In *Hoddinott v. Newton* [1899] 1 Q. B. 1018, C. A.; [1901] A. C. 49, H. L., the facts were shortly as follows:—A building erected for an omnibus company had been taken over and used as stables for some time when it was decided to have certain structural alterations made in order to strengthen the building and prevent vibration. For the purposes of the work, a temporary platform formed by boards resting on ledgers and trestles, the ledgers being lashed to the iron columns of the building, was erected and used, the platform being removed every evening to enable the horses to occupy their stalls for the night. The majority of the Court of Appeal did not dissent from the finding of the County Court Judge that the platform was a scaffolding, but the Court held that the building was not being constructed or repaired. The House of Lords reversed the decision of the Court of Appeal, and held

(1) that the words "being constructed" do not refer only to the original construction of the building, but apply also to alterations of a structural nature made at a subsequent time; (2) that the words "being constructed or repaired" are not confined to the construction or repair of the building as a whole, but include also partial construction or repair; (3) that the word "scaffolding" applies to internal as well as external scaffolding, and includes an internal staging arranged with planks and trestles, and without poles; and (4) that the question whether a staging is or is not a scaffolding is not a mere question of fact, but a mixed question of fact and law. In delivering judgment, Lord Macnaghten said (at p. 55), "Construction, repair, demolition—these three operations cover, I think, every varying phrase in the life of a building from its beginning to its end."

In *Dredge v. Conway* [1901] 2 K. B. 42, in the Court of Appeal, Smith, M.R., treated the decision in *Wood v. Walsh* (*ante*), that painting was not construction or repair, as being overruled by *Hoddinott v. Newton*: "The conclusion to be arrived at" from the judgments of the House of Lords in that case "is that painting, as one of the operations to which a building is exposed, comes under the head of repair, and, if painting does, then equally whitewashing" (p. 44).

In *Reddy v. Broderick* [1901] 2 Ir. R. 328, the Court of Appeal in Ireland held that the word "repair" may include painting and whitewashing the interior of a building, where painting and whitewashing are a portion of the work necessary to finish the building; and that "scaffolding" includes a staging arranged by resting one end of a plank on a rung of a ladder leaning against the wall of a room, and the other end on one of the roof principals in the centre of the room.

A building is "being constructed" until all the scaffolding used for the purpose of the construction has been removed (see *Frid v. Fenton*, 1900, 82 L. T. 192).

(j) For the purposes of the Act an apprentice is to be deemed to work for hire (Sec. 152 (2)).

(vii.) Railways.

106.—(1.) Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900 (*a*), is used in connexion with a factory or workshop, or with any place to which any of the provisions of

this Act are applied (*b*), the provisions of this Act with respect to (*c*)—

- (i.) Power to make orders as to dangerous machines (section seventeen) ;
- (ii.) Accidents (*d*) ;
- (iii.) Regulations for dangerous trades (*e*) ;
- (iv.) Powers of inspectors (section one hundred and nineteen) ; and
- (v.) Fines in case of death or injury (section one hundred and thirty-six),

shall have effect as if the line or siding were part of the factory or workshop.

(2.) If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.

(*a*) The Railway Employment (Prevention of Accidents) Act, 1900, by Sec. 16 defines “ railway ” as meaning “ any railway used for the purpose of public traffic whether passengers, goods, or other traffic,” and as including “ any works of the railway company connected with the railway ; ” and provides as follows :—

Sec. 13.—“(2.) The duty of a railway company to give notice of accidents shall apply to accidents attended with loss of life or personal injury to any person in the employment of the company on any line or siding having a junction with the railway of the railway company, but not belonging to or in the occupation of any railway company, in like manner as it applies to such accidents when occurring on the railway of the company, and the provisions relating to notice of such accidents shall have effect accordingly.

“(3.) Where any line or siding is used in connection with a *factory, workshop, or mine*, and is neither part of the *factory, workshop, or mine*, nor a railway within the meaning of this Act, the occupier of the *factory or workshop*, or the agent, occupier, or manager of the mine, shall be under the same obligation to give notice of accidents occurring on the line or siding to persons employed in the *factory, workshop, or mine*, as a railway company in the case of accidents occurring on a railway ; but the notice shall be given to the Secretary of State, and the Secretary of State shall have the same powers and duties with respect to inquiries and investigations and the appointment of an assessor to the coroner as the Board of Trade has in similar cases.”

Sec. 18. "Nothing in this Act shall require notice of accidents to be given in cases where such notice is required to be given under any Act relating to factories or mines, or authorise any inspection, inquiry, or investigation, to be made where an inspection, inquiry, or investigation, may be made with reference to the same matter for the same purpose under any other Act by, or by any officer of, a Government Department."

So far as concerns lines and sidings used in connection with a factory or workshop, or with any place to which any of the provisions of this Act apply, and not belonging to any railway company whose railway is used for the purposes of public traffic, the provisions of Sec. 13 (2) and (3) of the Railway Employment (Prevention of Accidents) Act, 1900, are therefore superseded by the provisions of this section, and the words in italics in Sub-sec. 3 are repealed by this Act.

(b) Some of the provisions of the Act are applied to certain laundries by Sec. 103; to every dock, wharf, quay, and warehouse by Sec. 104; and to certain buildings and premises on which machinery worked by mechanical power is temporarily used for the construction of a building or any structural work in connection with a building, by Sec. 105.

(c) See also Sec. 11 as to steam boilers.

(d) Secs. 19 to 22.

(e) Secs. 79 to 86.

PART VI.

HOME WORK.

107. In the case of persons employed in such classes of work as may from time to time be specified by Special Order of the Secretary of State (*a*)—

(1.) The occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop shall—

- (A) keep in the prescribed (*b*) form and manner, and with the prescribed (*b*) particulars, lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed; and
- (B) send to an inspector (*c*) such copies of or

List of
outworkers
to be kept
in certain
trades.

extracts from those lists as the inspector may from time to time require; and

(c) send on or before the first day of February and the first day of August in each year copies of those lists to the district council (*d*) of the district in which the factory or workshop is situate.

(2.) Every district council (*d*) shall cause the lists received in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the council (*d*) of the district in which his place of employment is.

(3.) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act, and by any officer duly authorised by the district council (*d*), and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.

(4.) This section shall apply to any place from which any work is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop (*e*).

(5.) In the event of a contravention of this section by the occupier of a factory, workshop, or place (*f*), or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings, and in the case of a second or subsequent offence, not exceeding five pounds.

(a) By an Order of the Secretary of State dated March 23rd, 1898:—

The occupier of every factory or workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in the business of which persons are employed in—

The manufacture of articles of wearing apparel,

The manufacture of electro-plate,

Cabinet and furniture making and upholstery work,
 The manufacture of files,
 Fur pulling.

And every contractor employed by any such occupier in the business of the factory or workshop; and also

The occupier of every place from which any work of making wearing apparel for sale is given out; and

Every contractor employed by any such occupier in connection with such work,

is required to keep in the form and with the particulars prescribed in the Schedule thereto, lists showing the names of all persons directly employed by him, either as workmen or as contractors, in the business of the said factory, workshop, or place, and the places where they are employed; and to keep every such list open to inspection by any inspector under this Act, or by any officer of a sanitary authority; and every such occupier and contractor is required to send to the inspector for the district a list of such out-workers on or before the 1st day of March and the 1st day of September in each year.

The forms and particulars prescribed in the Schedule to the Order are as follows:—

OUT-WORKERS.

Form for use of Occupier.

FACTORY AND WORKSHOP ACT, 1891, Section 27.

FACTORY AND WORKSHOP ACT, 1895, Section 42.

FORM PRESCRIBED BY THE SECRETARY OF STATE FOR OCCUPIER'S LIST OF OUT-WORKERS.

Address of Factory or Workshop

or place from which work is given out

Name of Occupier of Factory or Workshop

or place

Business carried on

Names of Persons employed by the Occupier outside the Factory or Workshop or place from which work is given out, and places where they are employed, viz. :—

A. Persons so employed as Workmen.

Christian and Surname.	Place where employed.

B. Persons so employed as Contractors.

Christian and Surname.	Place where employed.

NOTE.—In order that these lists may be correct lists of persons employed at any given time, it will be necessary that the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

OUT-WORKERS.

Form for use of Contractor.

FACTORY AND WORKSHOP ACT, 1891, Section 27.

FACTORY AND WORKSHOP ACT, 1895, Section 42.

FORM PRESCRIBED BY THE SECRETARY OF STATE FOR
CONTRACTOR'S LIST OF OUT-WORKERS.

Address of Factory or Workshop

or place from which work is given out

Name of Occupier of Factory or Workshop

or place

Business carried on

*Names of Persons who are employed outside the Factory or Workshop
or place from which work is given out, by A. B.,*

*a Contractor, with the Occupier and places where they are
employed, viz. :—*

A. Persons so employed as Workmen.

Christian and Surname.	Place where employed.

B. Persons so employed as Contractors.

Christian and Surname.	Place where employed.

NOTE.—In order that these lists may be correct lists of persons employed at any given time, it will be necessary that the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

The above-mentioned Order, which was made under Sec. 27 of the Act of 1891, and Sec. 42 of the Act of 1895, continues to have effect as if it had been made under this section (see Sec. 161 (2)).

(b) "Prescribed" means prescribed for the time being by the Secretary of State (Sec. 156 (1)).

(c) The copies must be sent to such inspector as the Secretary of State directs (Sec. 118 (8)).

(d) As to the meaning of "district council" in the application of the Act to the city and other parts of the administrative county of London, see Sec. 153 (4); to county boroughs, Sec. 154; and to Scotland, Sec. 159 (2).

(e) This sub-section applies the provisions of the section to cases where the work is not given out from the factory or workshop, but from some other place.

(f) *I.e.*, a place from which the work is given out (see Sub-sec. (4)).

Employment
of person in
unwholesome
premises.

108.—(1.) If the district council (a) within whose district is situate a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing (b) to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from the receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case (c) to be so injurious or dangerous, he shall be liable to a fine not exceeding ten pounds.

(2.) This section shall apply in the case of the occupier

of any place from which any work is given out as if that place were a workshop.

(3.) This section shall not apply except in the case of persons employed in such classes of work as the Secretary of State may specify by Special Order (*d*).

(*a*) See note (*d*) to Sec. 107, *supra*. As to the power of a factory inspector to act in default of the district council, see Secs. 4 and 5.

(*b*) As to service of the notice, see Sec. 148.

(*c*) See Secs. 144 and 145.

(*d*) This section is a modification and extension of the provisions of Sec. 5 of the Act of 1895, which only applied to such areas as might be specified by Order of the Secretary of State, where, by reason of the number and distribution of the population, or the conditions under which the work was carried on, there were special risks of injury or danger to the health of the persons employed and of the district; and which vested the power of enforcing the provisions of the section in factory inspectors. There is no Order at present in force under the section.

109. If the occupier of a factory or workshop or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Making of wearing apparel where there is scarlet fever or small-pox.

110.—(1.) If any inmate of a house is suffering from an infectious disease to which this section applies (*a*), the district council (*b*) of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served (*c*) on the occupier of any factory or

Prohibition of home work in places where there is infectious disease.

workshop, or any other place from which work is given out, or on the contractor employed by any such occupier.

(2.) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health (*d*), or that other reasonable precautions shall be adopted.

(3.) In any case of urgency the powers conferred on the district council (*b*) by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health (*d*).

(4.) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.

(5.) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases (*a*), and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by Special Order of the Secretary of State (*e*).

(*a*) The infectious diseases to which this section applies are small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names: typhus, typhoid, enteric, relapsing, continued, or puerperal, with power to the local authority to extend the list with respect to any particular district (see Sub-sec. (5) of this section; 52 & 53 Vict. c. 72 (Infectious Diseases (Notification) Act, 1889), s. 6; 62 & 63 Vict. c. 8, s. 1).

(*b*) See note (*d*) to Sec. 107, *ante*, p. 136. As to the power of a factory inspector to act in default of the district council, see Secs. 4 and 5.

(*c*) As to service of the Order, see Sec. 148.

(d) In Scotland "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1897 (Sec. 159 (3)), and in Ireland includes a medical superintendent of health (Sec. 160 (5)).

(e) The provisions of this section are new, and there is, therefore, at present no Order of the Secretary of State in force under it.

111. The application of this Act to domestic factories (a) and domestic workshops (a) shall be subject to the following provisions (b) :—

Application of Act to domestic factories and workshops.

(1.) The regulations with respect to the hours of employment of women, young persons, and children, shall not apply to any such factory or workshop, and in lieu thereof the following regulations shall be observed therein :—

(A) A young person or child (c) shall not be employed (d) in the factory or workshop except during the period of employment herein-after mentioned ; and

(B) The period of employment for a young person (c) shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and

(C) There shall be allowed to every young person (c) for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half ; and

(D) The period of employment for a child (c) on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon ; and for the purpose of the provisions of this Act respecting education such child shall

be deemed, according to circumstances, to be employed in a morning or afternoon set (*e*); and
(E) A child (*c*) shall not be employed (*d*) before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days; and a child shall not be employed (*d*) on Saturday in any week before the hour of one in the afternoon if on any other day in the same week he has been employed (*d*) before that hour, nor after that hour if on any other day of the same week he has been employed (*d*) after that hour; and

(F) A child (*c*) shall not be employed continuously (*f*) for more than five hours without an interval of at least half an hour for a meal.

- (2.) The requirement as to making certain entries and reports when a woman, young person, or child, is employed in pursuance of an exception, shall not apply except so far as may be prescribed from time to time by the Secretary of State (*g*).
- (3.) The provisions of this Act with respect to certificates of fitness for employment shall apply to a domestic factory as if it were a workshop and not a factory (*h*).
- (4.) The following provisions shall not apply to a domestic factory or to a domestic workshop (*b*), namely:—
- (A) the provisions as to meal hours being simultaneous, and as to prohibition of employment during meal times (*i*);
 - (B) the provisions as to affixing notices and abstracts, and as to specifying certain matters in notices so affixed (*j*);
 - (C) the provisions as to holidays (*k*);
 - (D) the provisions as to notices of accidents (*l*);
 - (E) the provisions as to means of ventilation, the drainage of floors, and thermometers (*m*);

(f) the provisions as to the keeping of a general register (n).

(5.) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory (o).

(a) For definitions of "domestic factory" and "domestic workshop," see Sec. 115.

(b) See, however, Sec. 112.

(c) For definitions of "young person" and "child," see Sec. 156 (1).

(d) As to the meaning of employment in a factory or workshop, see Sec. 152.

(e) In domestic factories and domestic workshops children may only be employed either in the morning or in the afternoon. They may not be employed on the alternate day system.

(f) As to the meaning of continuous employment, see Sec. 156 (2).

(g) See Sec. 60 (4). There is no Order of the Secretary of State at present in force. But see Sec. 112.

(h) Secs. 63 to 67. But see Sec. 112.

(i) Sec. 33.

(j) Secs. 32 and 128.

(k) Sec. 35.

(l) Sec. 19.

(m) Secs. 6 to 8.

(n) Sec. 129.

(o) But a domestic factory is subject to the provisions of Secs. 2 to 5 as if it were a workshop.

112. If any manufacture, process, or description of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous, is carried on in a domestic factory or workshop, all the provisions of this Act shall apply, as if the place were a factory or workshop other than a domestic factory or workshop.

Dangerous processes in domestic factories and workshops.

For the processes which have been certified to be dangerous, see note to Sec. 79, *ante*, pp. 99, 100.

113. The Secretary of State shall give notice of the provisions of this Act relating to domestic factories and workshops by the publication of the prescribed abstract or otherwise as he thinks fit.

Abstracts for domestic factories and workshops.

Non-application of Act to certain domestic workshops.

114.—(1.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely—

- (i.) straw plaiting, or
- (ii.) pillow-lace making, or
- (iii.) glove making,

shall not of itself constitute the house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of the Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend the provisions of this sub-section to that handicraft, he may by Special Order extend the same accordingly (a). Part Two of this Act shall apply, so far as circumstances admit, as if the Order were an Order extending an exception.

(2.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to any of the following purposes, namely,—

- (i.) the making of any article or of part of any article ;
or
- (ii.) the altering, repairing, ornamenting, or finishing of any article ; or
- (iii.) the adapting for sale of any article,

shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

(a) There is no Order of the Secretary of State in force under this section.

Definitions of “domestic factory” and “domestic workshop.”

115. The expressions “domestic factory” and “domestic workshop” mean a private house, room, or place which, though used as a dwelling, is by reason of the

work carried on there a factory or workshop, as the case may be, within the meaning of this Act (*a*), and in which neither steam, water, nor other mechanical power (*b*) is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

(*a*) See Sec. 149.

(*b*) See note (*c*) to Sec. 10, *ante*, p. 19.

PART VII.

PARTICULARS OF WORK AND WAGES.

116.—(1.) In every textile factory (*a*) the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

Particulars of work or wages to be given to piece workers.

- (A) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver, shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible :
- (B) In the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible :

- (c) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible:
- (d) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him:
- (e) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols:
- (f) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller:
- (g) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of

any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for that offence not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by Special Order, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case (*b*). He may also by any such Order apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons (*c*).

(*a*) For definition of textile factory, see Sec. 149(1).

(*b*) The following Orders, made by the Secretary of State under

Sec. 40 of the Act of 1895, continue to have effect as if they had been made in pursuance of this section :—

An Order dated the 22nd April, 1897, applying the provisions of the said Sec. 40 of the Act of 1895, subject to modifications, to factories and workshops in which is carried on the making of—

Handkerchiefs,
Aprons,
Pinafores,
Blouses.

The said section to be modified so as to read as follows :—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, as follows :—

(A) The particulars of the rate of wages applicable to the work to be done by each worker, shall either be furnished to him in writing at the time when the work is given out to him, or shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.

(B) Such particulars shall not be expressed by means of symbols.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

An Order dated the 10th August, 1897, applying the provisions of the said section, subject to modifications, to the classes of factories and workshops in which is carried on the making of—

Iron and steel cables and chains.
Iron and steel anchors and grapnels.

The said section to be modified so as to read as follows :—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :—

(A) He shall furnish each worker with particulars of the rate of wages applicable to the work done by him, either

(i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

(ii.) by supplying him with such particulars in print or in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered; or

(iii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(B) Such particulars of the work to be done or which has been done by each worker as affect the amount of wages payable to him shall be furnished to him in writing, either at the time when the work is given out to him or when it is brought in by him. If he is required to return such written particulars to the occupier or to any other person, a copy thereof shall be furnished to him, which he may retain for his own use.

(C) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

An Order dated the 20th August, 1897, applying the provisions

of the said section, with modifications, to the classes of factories and workshops in which is carried on the making of—

Locks,
Latches,
Keys.

The said section to be modified so as to read as follows :—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, as follows :—

(A) The particulars of the rate of wages applicable to the work to be done by each worker, shall either be furnished to him in writing at the time when the work is given out to him, or shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.

(B) Such particulars shall not be expressed by means of symbols.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

An Order dated the 30th November, 1897, extending the provisions of the said section, subject to modifications, to the classes of factories and workshops in which is carried on the making of—

Felt hats.

The said section to be modified so as to read as follows :—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and

also particulars of the work to which that rate is to be applied, as follows:—

(A) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either

(i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

(ii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(B) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

An Order dated the 6th August, 1898, applying the provisions of the said section, with modifications, to the classes of factories or workshops in which

Wholesale tailoring
is carried on.

The said section to be modified so as to read as follows:—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(A) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either

- (i) by handing him a written or printed statement of such particulars when the work is given out to him ; or
- (ii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(B) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

(c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

The foregoing provisions shall not apply to any work carried on in the factories and workshops mentioned in this Order other than wholesale tailoring.

An Order dated the 2nd September, 1898, applying the provisions of the said section, without modification, to the class of workshops in which is carried on the preparing, manufacturing, or finishing, or any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material, either separately or mixed together, or mixed with any other material or any fabric made thereof: Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be included.

An Order dated July 12th, 1900, applying the provisions of the said section, subject to modifications, to the classes of factories and workshops in which is carried on the making of—

Pens.

The said section to be modified so as to read as follows :—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :—

(A) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done either

- (i.) by handing him a written or printed statement of such particulars when the work is given out to him; or
- (ii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(B) Such particulars of the work to be done as affect the amount of wages payable to each worker shall be furnished to him in writing at the time when the work is given out to him.

(C) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

The provisions of this section do not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157).

(c) See Sec. 107.

117. Every Act for the time being in force relating to weights and measures shall extend to weights,

Inspection of weights and measures used in ascertaining wages.

measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if the factory or workshop were a place where goods are kept for sale, and every such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines, used in the sale of goods.

See the Weights and Measures Acts, 1878, 1889, 1892, 1893, and 1897. This section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157).

PART VIII.

ADMINISTRATION.

(i.) *Inspection.*

Appointment
and duties of
inspectors
and clerks
and servants.

118.—(1.) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

(2.) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise

equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3.) Notice of the appointment of every inspector shall be published in the London Gazette.

(4.) The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by the Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

(5.) A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector.

(6.) An inspector shall not be liable to serve in any parochial or municipal office.

(7.) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8.) A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

119.—(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

Powers of inspectors.

(A) To enter, inspect, and examine at all reasonable times, by day and night, a factory and a workshop (*a*), and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day (*b*) any place which he has reasonable cause to believe to be a factory or workshop (*a*); and

(B) To take with him in either case a constable into a

factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty (a) ; and

- (c) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same ; and
- (d) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health (c) and the enactments of this Act are complied with, so far as respects the factory or workshop (a) and the persons employed therein ; and
- (e) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop (a) are for the time being educated ; and
- (f) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop (a), or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined ; and
- (g) To exercise such other powers as may be necessary for carrying this Act into effect (d).

(2.) The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to that factory or workshop (a).

(3.) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to

produce, or conceals or prevents, or attempts to conceal or prevent a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act:

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4.) Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop (*a*), other than a domestic factory (*e*) or a domestic workshop (*e*), the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night (*f*) twenty, pounds; and where an inspector is so obstructed in a domestic factory or a domestic workshop (*e*), the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night (*f*) five pounds; and in the case of a second or subsequent conviction under this section in relation to a factory (*a*) within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

(*a*) The powers of an inspector under this section extend to docks, wharves, quays, and warehouses, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal (Sec. 104); to any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building (Sec. 105); and to certain railway lines and sidings (see Sec. 106).

(*b*) *I.e.*, between 6 a.m. and 9 p.m. (Sec. 156 (1)).

(*c*) See Sec. 5 as to the power of an inspector to enforce the provisions of the enactments relating to public health in default of the local authority.

(*d*) For further powers of inspectors under this Act, see Secs. 64 (9), 67, 74, 120, and 122. It is also the duty of factory inspectors to enforce the provisions of the Truck Acts, 1831 to 1896, with respect to factories, workshops, laundries, and places from which

work is given out by the occupier of a factory or workshop, or by a contractor or sub-contractor (see Appendix B.; Sec. 13 of the Truck Amendment Act, 1887, and Sec. 10 of the Truck Act, 1896); and to enforce the observance by employers of children in factories and workshops, of the provisions of the Elementary Education Acts respecting the employment of children (see Appendix C.; Sec. 7 of the Elementary Education Act, 1876. See also Sec. 3 (2) of the Prevention of Cruelty to Children Act, 1894 (Appendix B.)). With regard to quarries, any part whereof is more than twenty feet deep, the powers of inspectors under this Act are transferred by Sec. 3 (a) of the Quarries Act, 1894 (57 & 58 Vict. c. 42), to inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875.

(e) For definitions of domestic factory and domestic workshop, see Sec. 115.

(f) "Night" means the period between 9 p.m. and 6 a.m.

Right of
inspector to
conduct pro-
ceedings
before
magistrates.

120. An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

Certificate of
appointment
of inspector.

121. Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if so required, produce the said certificate to the occupier.

(ii.) *Certifying Surgeons.*

Appointment
and duties of
certifying
surgeons.

122.—(1.) Subject to such regulations as may be made by the Secretary of State, an inspector may appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may revoke any such appointment.

(2.) Every appointment and revocation of appointment of a certifying surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3.) A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein,

or in any process or business carried on therein, or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

(4.) The Secretary of State may make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

(5.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

(6.) Every certifying surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year and the results of the inspection.

As to the duties of certifying surgeons with respect to the granting of certificates of fitness for employment of young persons and children, and certificates of capacity for work, see Secs. 63 to 67; and as to their duties with respect to the investigation of accidents, see Sec. 20.

123. Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate shall act for the time being as the certifying surgeon for that factory or workshop.

When poor law medical officer is to act as certifying surgeon.

In Scotland "poor law medical officer" means the medical officer appointed by the parish council (Sec. 159 (4)); and in Ireland includes the medical officer of a dispensary district (Sec. 160 (6)).

124.—(1.) The fees to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children (a), shall be regulated as follows:—

Fees of certifying surgeons.

(A) The occupier of the factory (b) may agree with the certifying surgeon as to the amount of the fees:

(B) In the absence of agreement the fees shall be in accordance with the scale set forth in Part I. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State;

(c) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted, at the time at which the surgeon signs the certificates, or at any other time directed by an inspector ;

(2.) The fees to be paid to a certifying surgeon in cases where, in pursuance of a direction of the Secretary of State or of regulations made under this Act, he is required to examine the persons employed in a factory or workshop, shall be in accordance with the scale set forth in Part II. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State. Such fees shall, where the examination is in pursuance of a direction of the Secretary of State, be paid by the Secretary of State, and where the examination is in pursuance of regulations be paid by the occupier of the factory or workshop.

(3.) The fee to be paid to a certifying surgeon for the investigation of an accident in pursuance of this Act (c) shall be such sum, not more than ten nor less than three shillings, as the Secretary of State may prescribe, and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

(a) See Secs. 63—67.

(b) Or workshop: see Secs. 65 to 67.

(c) See Sec. 20.

(iii.) *Local Authorities.*

Powers of
local authorities
and
their officers.

125. For the purpose of their duties with respect to workshops and workplaces under this Act (a), and under the law relating to public health (a), the district council (b) and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector under this Act (c).

(a) See Secs. 2, 3, 7 to 9, 97 to 102, 108, and 110. As to workshops belonging to or in the occupation of the Crown, see Sec. 150 (3).

(b) As to the meaning of "district council" in the application of

the Act to London, see Sec. 153; to county boroughs, Sec. 154; and to Scotland, Sec. 159 (2).

(c) See Secs. 119 and 120.

(iv.) *Special Orders.*

126. The following provisions shall apply to such Orders made by the Secretary of State in pursuance of this Act as are in this Act referred to as Special Orders:—

Provisions as to Special Orders of Secretary of State.

- (1.) The Order shall be under the hand of the Secretary of State and shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons concerned, and shall come into operation at the date of its publication, or at any later date mentioned in the Order :
- (2.) The Order may be temporary or permanent, conditional or unconditional, and whether granting or extending an exception or prohibition, or directing the adoption of any special means or provision, or rescinding a previous Order, or effecting any other thing, may do so either wholly or partly :
- (3.) The Order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the Order has been so laid before that House, resolves that the Order ought to be annulled, it shall after the date of that resolution be of no effect, without prejudice to the validity of anything done in the meantime under the Order or to the making of a new Order :
- (4.) The Order, whilst it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the making of the Order.

(v.) *Notices, Registers, and Returns.*

127.—(1.) Every person shall, within one month after he begins to occupy a factory or workshop (a), serve on the inspector for the district a written notice (b) containing the name of the factory or workshop, the place where

Notice of occupation of factory or workshop.

it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the person or firm under which the business of the factory or workshop is to be carried on.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop (*a*), he shall be liable to a fine not exceeding five pounds.

(3.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the district council (*c*) of the district in which the workshop is situate.

(*a*) Including a domestic factory or domestic workshop.

(*b*) The notice may be sent by post (Sec. 148).

(*c*) As to the meaning of "district council" as applied to London, see Sec. 153; to county boroughs, Sec. 154; and to Scotland, Sec. 159 (2).

Affixing of
abstract and
notices.

128.—(1.) There shall be affixed at the entrance of every factory and workshop (*a*), and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed (*b*) form and in such position as to be easily read by the persons employed in the factory or workshop—

(A) The prescribed (*b*) abstract of this Act; and

(B) A notice of the name and address of the prescribed inspector (*c*); and

(C) A notice of the name and address of the certifying surgeon for the district (*d*); and

(D) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated (*e*); and

(E) Every notice and document required by this Act to be affixed in the factory or workshop (*f*).

(2.) In the event of a contravention of this section in a factory or workshop (*a*), the occupier (*g*) of the factory or workshop shall be liable to a fine not exceeding forty shillings.

(a) This and the following section do not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157), nor to domestic factories or domestic workshops as defined by Sec. 115 (Sec. 111 (4) b, f).

(b) "Prescribed" means prescribed for the time being by the Secretary of State (Sec. 156 (1)).

(c) See Sec. 118 (8).

(d) See Secs. 122 and 123.

(e) See Sec. 32 (4).

(f) For list of these notices and documents, see Appendix D. Notices affixed in pursuance of a repealed enactment are, so far as they are in accordance with the provisions of this Act, deemed to have been affixed in pursuance of this Act (Sec. 161 (1)).

(g) In tenement factories, the owner, instead of the occupier, is liable for the observance, and punishable for the non-observance of the provisions of this section (Sec. 87 (1) v).

129.—(1.) In every factory and workshop (a) there shall be kept a register, called the general register, showing in the prescribed (b) form the prescribed (b) particulars as to—

General registers.

(A) the children and young persons employed in the factory or workshop; and

(B) the lime-washing of the factory or workshop; and

(C) every accident occurring in the factory or workshop of which notice is required to be sent to an inspector (c); and

(D) every special exception of which the occupier of the factory or workshop avails himself (d); and

(E) such other matters as may be prescribed (b).

(2.) Where any entry is required by this Act to be made in the general register, the entry made by the occupier of a factory or workshop or on his behalf shall, as against him, be admissible as *primâ facie* evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of this Act shall be admissible as *primâ facie* evidence that that provision has not been observed.

(3.) The register shall at all reasonable times be open to inspection by the certifying surgeon of the district (e).

(4.) The occupier of a factory or workshop shall send

to an inspector (*f*) such extracts from the general register as the inspector from time to time requires for the execution of his duties under this Act.

(5.) If in any factory or workshop any requirement of this section is not complied with, the occupier shall be liable to a fine not exceeding five pounds.

(a) See note (a) to Sec. 128, *ante*, p. 161.

(b) "Prescribed" means prescribed for the time being by the Secretary of State (Sec. 156 (1)). Registers kept in pursuance of any enactment repealed by this Act are, unless otherwise directed by the Secretary of State, deemed to be the registers required by this Act (Sec. 161 (4)).

(c) See Sec. 19.

(d) For special exceptions, see Secs. 36 to 57.

(e) See Secs. 122 and 123.

(f) The extracts must be sent to such inspector as the Secretary of State, by declaration published in the *London Gazette* or otherwise, directs (Sec. 118 (8)).

Periodical
return of
persons
employed.

130.—(1.) The occupier of every factory or workshop shall, on or before such days as the Secretary of State may direct, at intervals of not less than one nor more than three years, send to the Chief Inspector of Factories a correct return specifying, with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory or workshop, with such particulars as to the age, sex, and occupation, of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

(2.) The occupier of any place to which any of the provisions of this Act apply (*b*) shall, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section, and shall be liable to a like fine for default in compliance with the requirement.

(a) Sub-sec. (1) of this section does not apply to workshops conducted on the system of not employing any woman, young person, or child therein (Sec. 157).

(b) Some of the provisions of the Act are applied to laundries by Sec. 103; to docks, wharves, quays and warehouses by Sec. 104; to certain buildings by Sec. 105; and to certain railway lines and sidings by Sec. 106; and to places from which work is given out in connection with the business of a factory or workshop, by Secs. 107 to 110.

131. Every district council shall keep a register of all workshops situate within their district. Registers of workshops.

As to the meaning of "district council" in the application of the Act to the city and other parts of the administrative county of London, see Sec. 153 (4); to county boroughs, Sec. 154; and to Scotland, Sec. 159 (2).

132. The medical officer of health of every district council shall, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he shall send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State. Report of medical officer of health on administration of Act.

See note to Sec. 131, *supra*. In the application of the Act to Scotland "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1897 (Sec. 159 (3)); and in Ireland, includes a medical superintendent of health (Sec. 160 (5)).

Miscellaneous Provisions.

133. Where any woman, young person, or child is employed in a workshop (a) in which no abstract of this Act is affixed as by this Act required (b), and the medical officer of the district council (c) becomes aware thereof, he shall forthwith give written notice thereof to the inspector for the district. Notice by medical officer of health of employment of woman, young person, or child in workshops.

(a) As to the meaning of "employed in a workshop," see Sec. 152.

(b) See Sec. 128 (1).

(c) See notes to Secs. 131 and 132, *supra*.

134. Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any Certificate of birth in case of young persons under 16 and children.

person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board (a), and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages (b).

(a) For England and Wales the following form of requisition was prescribed by an Order of the Local Government Board dated the 20th October, 1891:—

The Factory and Workshop Act, 1891.

REQUISITION for a certified Copy of an Entry of Birth for the purposes of the above-mentioned Act, or for any purpose connected with the elementary education or employment in labour of a child or young person under the age of sixteen years.

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the register in which the birth of the under-mentioned child or young person is registered:—

I, the undersigned, hereby demand, for the purposes above-mentioned, or some or one of them, a Certificate of the Birth of the child or young person named in the subjoined Schedule.

Christian Name and Surname of the Child or Young Person of whose Age a Certificate is required.	Names of the Parents of such Child or Young Person.		Where such Child or Young Person was Born.	In what year such Child or Young Person was Born.
	Father.	Mother.		

Dated this day of , 18 .

Signature
Address
Occupation

and Workshops Acts, a Certificate of the Birth of the child or young person under the age of sixteen years named in the subjoined Schedule.

Christian Name and Surname of the Child or Young Person of whose Age a Certificate is required.	Names of the Parents of such Child or Young Person.		Where such Child or Young Person was Born.	In what year such Child or Young Person was Born.
	Father.	Mother.		

Dated this day of 18 .

Signature
Address
Occupation

The above-mentioned Orders remain in force, notwithstanding the repeal of the enactments under which they were made, as if they had been made in pursuance of this section (see Sec. 161 (2)).

(b) See also pars. 1 to 3 of the Revised Regulations of the Board of Education, dated the 21st March, 1901, which are set out in Appendix C.

PART IX.

LEGAL PROCEEDINGS.

Fine for not keeping factory or workshop in conformity with Act.

135.—(1.) If a factory or workshop is not kept in conformity with this Act, the occupier (a) thereof shall be liable to a fine not exceeding ten pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence (b).

(2.) The court of summary jurisdiction (c), in addition to or instead of inflicting a fine, may order certain means to be adopted by the occupier (a), within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act. The court may, on application, enlarge the time so

named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day on which the non-compliance continues.

(a) See Sec. 87 as to the liability in tenement factories of the owner instead of the occupier in certain cases, and Sec. 142 as to the owner or hirer of a machine in a factory being liable in certain cases instead of the occupier of the factory. See also Sec. 141 as to the power of an occupier to exempt himself from liability on conviction of the actual offender.

(b) See Sec. 143 as to the limit to cumulative fines.

(c) As to the meaning of "Court of summary jurisdiction" in Scotland and Ireland, see Secs. 159 (5), and 160 (8).

136. If any person is killed, or dies, or suffers any bodily injury or injury to health, in consequence of the occupier (a) of a factory or workshop (b) having neglected to observe any provision of this Act or any regulation made in pursuance of this Act, the occupier (a) of the factory or workshop (b) shall be liable to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence (c) and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines (d).

Fines in case of death or injury.

Provided as follows:—

(A) In the case of injury to health the occupier (a) shall not be liable under this section unless the injury was caused directly by the neglect:

(B) The occupier (a) shall not be liable to fine under this section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable, has been heard and dismissed previous to the time when the death or injury was inflicted.

(a) See note (a) to Sec. 135, *supra*.

(b) The provisions of this section apply to certain laundries

(Sec. 103 (1) d); to docks, wharves, quays and warehouses, and machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal (Sec. 104); to premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building (Sec. 105), and to certain railway lines and sidings (Sec. 106).

(c) See Sec. 143 as to the limit to cumulative fines.

(d) It is no answer to proceedings under this section that the injury was caused by such contributory negligence as would have constituted a good defence to a civil action by the person injured (*Blenkinsop v. Ogden* [1898] 1 Q. B. 783). In this case, the injury was caused by a printing machine, the dangerous part of which was not sufficiently fenced, and it was held by the High Court that the occupier of the factory was liable to a fine under Sec. 82 of the Act of 1878, although the injury would not have happened but for the disobedience to orders and carelessness of the person injured.

Notwithstanding the remedy given by way of penal compensation by this section, a workman or his representatives may have a right of action in respect of injury caused by the neglect of the employer to observe any of the provisions of the Act. In *Groves v. Wimborne* [1898] 2 Q. B. 402, it was held by the Court of Appeal that a workman was not precluded by Sec. 82 of the Act of 1878 from suing his employer for damages in respect of an injury sustained in consequence of the neglect of the employer to maintain fencing for dangerous machinery as required by that Act; and further, that the defence of "common employment" was not available, the injury being caused by the breach of a statutory duty imposed on the employer for the protection of the workmen.

It is provided by Sec. 5 of the Employers' Liability Act, 1880 (43 & 44 Vict. c. 42), that there shall be deducted from any compensation awarded to any workman, or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under that Act, any penalty or part of a penalty which may have been paid in pursuance of any other Act of Parliament to such workman, representatives, or persons in respect of the same cause of action; and that where an action has been brought under that Act by any workman, or the representatives of any workman, or any person claiming by, under, or through such workman, for compensation in respect of any cause of action arising under that Act, and payment has not previously been made of any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action, such workman, representatives, or person shall not be entitled

thereafter to receive any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action.

The Workmen's Compensation Act, 1897, which provides, in the case of workmen employed in certain kinds of employment, including any workman employed on, in, or about a factory, for the payment of compensation for accidental injuries suffered in the course of the employment, does not affect any proceeding for a fine under this section; but if any such fine, or any part thereof, has been applied for the benefit of the person injured, the amount so applied is to be taken into account in estimating the compensation under that Act (60 & 61 Vict. c. 37, s. 1 (5)).

137.—(1.) Where any person is employed (*a*) in a factory or workshop, other than a domestic factory (*b*) or a domestic workshop (*b*), contrary to the provisions of this Act, the occupier (*c*) of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night (*d*) five, pounds for each person so employed (*a*), and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence (*e*); and where any person is so employed in a domestic factory (*b*) or a domestic workshop (*b*) the occupier (*c*) shall be liable to a fine not exceeding one, or if the offence was committed during the night (*d*) two pounds, for each person so employed (*a*), and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence (*e*).

Fine for employing persons contrary to Act.

(2.) If a woman, young person, or child (*f*) is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals or absence from work is, in contravention of the provisions of this Act, employed (*a*) in the factory or workshop, or allowed to remain in any room, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

(*a*) As to what constitutes "being employed" in a factory or workshop, see Sec. 152, *post*, p. 183, and note (*c*) to Sec. 33, *ante*, p. 46.

(b) For definitions of "domestic factory" and "domestic workshop," see Sec. 115.

(c) As to the power of the occupier to exempt himself from liability on conviction of the actual offender, see Sec. 141. See also Sec. 142, which substitutes for the occupier of a factory in certain cases the owner or hirer of a machine or implement in the factory.

(d) *I.e.*, between 9 p.m. and 6 a.m. (Sec. 156 (1)).

(e) See Sec. 143 as to the limit to cumulative fines.

(f) For definitions of "woman," "young person," and "child," see Sec. 156 (1).

Fine for
offence by
parent.

138.—(1.) If a young person or child (a) is employed (b) in a factory or workshop contrary to the provisions of this Act, the parent (c) of the young person or child shall be liable to a fine not exceeding twenty shillings for each offence (d), unless it appears to the court that the offence was committed without the consent, connivance, or wilful default, of the parent.

(2.) If the parent (c) of a child (a) neglects to cause the child to attend school in accordance with this Act (e), he shall be liable to a fine not exceeding twenty shillings for each offence (d).

(a) For definitions of young person and child, see Sec. 156 (1).

(b) See Sec. 152, *post*, p. 183, and note (c) to Sec. 33, *ante*, p. 46.

(c) "Parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child (Sec. 156 (1)).

(d) See Sec. 143 as to the limit to cumulative fines.

(e) See Sec. 68.

Forgery of
certificates,
false entries,
and false
declarations.

139. If any person—

- (A) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or
- (B) gives or signs any such certificate knowing the same to be false in any material particular; or
- (C) knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid; or
- (D) knowingly utters or makes use of as applying to any person a certificate which does not so apply; or

- (E) personates any person named in a certificate; or
- (F) falsely pretends to be an inspector; or
- (G) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid; or
- (H) wilfully makes a false entry in any register, notice, certificate, or document, required by this Act to be kept or served or sent; or
- (I) wilfully makes or signs a false declaration under this Act; or
- (J) knowingly makes use of any such false entry or declaration,

he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

140. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person, shall be liable to the like fine as if he were the occupier.

Fine on person actually committing offence for which occupier is liable.

141.—(1.) Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court—

Power of occupier to exempt himself from fine on conviction of the actual offender.

(A) that he has used due diligence to enforce the execution of this Act; and

(B) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine.

The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2.) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(A) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act ; and

(B) by what person the offence has been committed ; and

(C) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

Owner of machine liable in certain cases instead of occupier.

142. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power (a), is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence against this Act committed in relation to a person who is employed in or about or in connexion with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

(a) See note (c) to Sec. 10, *ante*, p. 19.

Limit to cumulative fines.

143. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(A) where the repetition of the offence occurs after an information has been laid for the previous offence ;
or

(B) where the offence is one of employing two or more persons, contrary to the provisions of this Act.

144.—(1.) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Prosecution of offences and recovery and application of fines.

(2.) A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(3.) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(4.) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of the factory or workshop, and the father, son, or brother of the occupier of the factory or workshop, shall not be qualified to act as a member of the court.

(5.) A person engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act shall not act as a justice of the peace in hearing and determining the charge.

As to the meaning of court of summary jurisdiction, and as to the prosecution of offences, and recovery and application of fines, in Scotland, see Sec. 159 (5), (20), (21), (22), (24), (25), and (26); and in Ireland, Sec. 160 (8) and (10).

145. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions.

Appeal to quarter sessions.

As to appeals in Scotland, see Sec. 159 (27); and in Ireland, Sec. 160 (9).

146. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:—

Limitation of time and general provisions as to summary proceedings.

(1.) The information shall be laid within three months after the date at which the offence comes to the

knowledge of the inspector for the district within which the offence is charged to have been committed, or, in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it be not laid after the expiration of six months from the commission of the offence :

- (2.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (3.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop, or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :
- (4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Evidence
in summary
proceedings.

147.—(1.) If a person is found in a factory or workshop, except at meal times, or while all the machinery of the factory or workshop is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop (a) :

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory or workshop in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or

workshop within the meaning of this enactment; and this enactment shall not apply to a domestic factory or workshop (b).

(2.) Where a young person or child is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person or child is not of that age.

(3.) A declaration in writing by a certifying surgeon for the district (c) that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

(4.) A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace (d) having the custody of the conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace (d) shall, on the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

(a) See also Secs. 60 (6) and 129 (2).

(b) For definitions of domestic factory and domestic workshop, see Sec. 115.

(c) Where there is no certifying surgeon for the district, the poor law medical officer is to act as such for the time being (Sec. 123).

(d) In Scotland "clerk of the peace" means the sheriff clerk (Sec. 159 (13)).

148. Any notice, order, requisition, summons, and document, required or authorised to be served or sent for the purposes of this Act—

Service of notices and documents, &c.

(A) may be served and sent by post, or by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or (where he is the owner (a) of a factory or workshop) by delivering the same or a true copy thereof to his agent, or (where he is the occupier of a factory or workshop) by delivering the same or a true copy thereof to his

agent or to some person in the factory or workshop ;
and

(B) Where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

(a) As to the meaning of "owner," see Sec. 156 (1).

PART X.

SUPPLEMENTARY.

(i.) *Application and Definitions.*

Factories and workshops to which Act applies.

149.—(1.) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them ; that is to say :—

The expression "textile factory" means any premises wherein or within the close or curtilage of which steam, water, or other mechanical power (a), is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process (b) incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof :

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories (c) :

The expression "non-textile factory" means—

(A) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Sixth Schedule to this Act ; and

(B) any premises or places named in Part Two of the said schedule wherein or within the close or

curtilage or precincts of which steam, water, or other mechanical power (*a*), is used in aid of the manufacturing process (*b*) carried on there; and
 (o) any premises wherein or within the close or curtilage or precincts of which any manual labour is exercised by way of trade or for purposes of gain (*d*) in or incidental to any of the following purposes, namely—

(i.) the making of any article or of part of any article; or

(ii.) the altering, repairing, ornamenting, or finishing (*e*) of any article; or

(iii.) the adapting for sale of any article (*f*), and wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power (*a*) is used in aid of the manufacturing process (*b*) carried on there (*g*):

The expression “factory” means textile factory and non-textile factory, or either of those descriptions of factories:

The expression “tenement factory” means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories (*h*) all buildings situate within the same close or curtilage shall be treated as one building.

The expression “workshop” means—

(A) any premises or places named in Part Two of the Sixth Schedule to this Act, which are not a factory (*i*); and

(B) any premises, room, or place, not being a factory (*i*), in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way

of trade or for purposes of gain (*d*) in or incidental to any of the following purposes, namely—

- (i.) the making of any article or of part of any article ; or
 - (ii.) the altering, repairing, ornamenting, or finishing (*e*) of any article ; or
 - (iii.) the adapting for sale of any article (*f*),
- and to or over which premises, room, or place the employer of the persons working therein has the right of access or control :

The expression “workshop” includes a tenement workshop.

The expression “tenement workshop” means any workplace in which, with the permission of or under agreement with the owner (*j*) or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner (*j*) or occupier.

(2.) A part of a factory or workshop may, with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop.

(3.) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(4.) Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to form part of the factory or workshop for the purposes of this Act (*k*), but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

(5.) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.

(6.) The exercise by any young person or child in any recognised efficient school (*l*), during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

(a) The expression "other mechanical power" includes gas, electricity, or other like motive powers, but machinery worked solely by manual labour is not worked by mechanical power within the meaning of the Act (see *Wrigley v. Bagley* [1901] 1 K. B. 780; *Brown v. Herriot*, 1899, 33 Ir. T. L. R. 123).

(b) The expression "process" includes the use of any locomotive (Sec. 156 (1)).

(c) The works, mills, and warehouses mentioned in this proviso are defined in Sched. VI. (1), (2), (14), (19), (21), (22) and (24). Print works, bleaching and dyeing works, paper mills and flax scutch mills are non-textile factories. Hat works, rope works, and lace warehouses are non-textile factories if steam, water, or other mechanical power is used in aid of the manufacturing process carried on there; if not, they are workshops. Rope works are defined as any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for the drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power (Sched. VI. (22)). Rope works in which machinery moved by mechanical power is used for the drawing or spinning the fibres of flax, hemp, jute, or tow, or which have internal communication with buildings or premises joining or forming part of a textile factory, other than such communication as is necessary for the transmission of power, are textile factories.

(d) The words "for purposes of gain" mean for purposes of direct gain. In *Nash v. Hollinshead* [1901] 1 K. B. 700, decided under the Workmen's Compensation Act, 1897, a farmer, for the purpose of grinding meal for the feeding of stock, had a movable steam engine on the farm. None of the meal was sold, the whole of it being consumed on the farm. It was held by the Court of Appeal, reversing the decision of the County Court Judge, that the farm was not a factory, Romer, L.J., expressly reserving his opinion as to

what the result of the case might have been if the operation of grinding the meal had been carried on with a view to its sale as an article of commerce. In *Henderson v. Glasgow Corporation*, 1900, 2 Fraser, 1127, which was also a case under the Workmen's Compensation Act, where steam power was used in the works of the respondent corporation for the purpose of separating certain saleable parts of the city refuse from the unsaleable parts, and the sums realised by the sales were applied in the reduction of the expenses of disposal of the refuse, the deficiency being charged on the rates, it was held that the separation of the refuse was "the adapting for sale" of an article "by way of trade or for purposes of gain," and that the works were therefore a factory.

As to factories or workshops belonging to or in the occupation of the Crown, see Sec. 150 (2).

(e) See *Squire v. Stanley*, cited in note (a) to Sec. 77, *ante*, p. 96.

(f) In *Fullers v. Squire* [1901] 2 K. B. 209, it was held that the operation of packing sweetmeats into boxes in layers with ornamental papers, and afterwards ornamenting such boxes with a view to their sale, was the adapting of articles for sale within the meaning of Sec. 97 of the Act of 1878; and that premises which were used in the daytime as a shop for the sale of sweetmeats by retail, but upon which the sweetmeats were packed as above-mentioned after shop hours, were a workshop. The Court did not express any opinion as to whether similar work done during shop hours would bring the premises within the scope of the Act.

In *Law v. Graham*, 1901, 17 T. L. R. 474, it was held that premises on which bottles were washed by manual labour with the aid of mechanical power, and were then filled with beer by manual labour alone, nothing being done to the beer itself to alter its nature or character for the purpose of adapting it for sale, were not a factory under Sec. 93 (3) of the Act of 1878. Bottle-washing works are now, however, expressly included in the list of non-textile factories and workshops in Sched. VI. (see clause (28)).

(g) In *Petrie v. Weir*, 1900, 2 Fraser, 1041, it was held by the Court of Session that a stone-dressing yard, which consisted of a yard in which stones were dressed by manual labour, and an engine-house where tools for dressing the stones were sharpened on a grindstone driven by a gas-engine, there being no other mechanical power used on the premises, was a factory within the definition in Sec. 93 (3) of the Act of 1878, which is re-enacted by this clause.

(h) See Secs. 11 (6), 14 (7), 82 (2), 87 and 88.

(i) That is to say, any of such premises if mechanical power is not used therein, or within the close or curtilage thereof, in aid of the manufacturing process carried on there.

(j) As to the meaning of owner, see Sec. 156 (1).

(k) See *London County Council v. Lewis*, cited in note (c) to Sec. 14, *ante*, p. 26.

(l) For definition of "recognised efficient school," see Sec. 72 (1).

150.—(1.) This Act applies to factories and workshops belonging to the Crown; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.

Application to Crown factories and workshops.

(2.) A factory or workshop belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.

(3.) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act.

151. The Secretary of State may by Special Order direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

Power to treat separate branches as separate factories or workshops.

By an Order of the Secretary of State, dated the 27th March, 1897, it was directed that with respect to factories or workshops or parts thereof in which are carried on—

Bookbinding,

Hat making, and

The following branches of the confectionery trade, viz. :—

Bonbon and Christmas present making,

different branches or departments of work carried on in the same factory or workshop, may, so far as regards the period of employment of children, young persons and women, be treated as if they were separate factories or workshops, subject to the following conditions :—

- (1.) Every such branch or department must be carried on—
- (A) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (B) under separate and distinct management, and
 - (C) by separate and distinct persons, that is to say, no person who is employed in one branch or department may be employed in any other branch or department.
- (2.) In every such branch or department a separate notice (Special Exception Notice) under Sec. 66 of the Factory and Workshop Act, 1878 (now Sec. 60 of this Act), must be affixed, stating clearly the name or description of the branch or department; and a copy of every such notice must be sent to the inspector.
- (3.) In every such branch or department a separate notice (Period of Employment Notice) under Sec. 19 of the Factory and Workshop Act, 1878 (now Sec. 32 of this Act), must be affixed.
- (4.) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of branches or departments, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notices in writing that the separation and arrangements aforesaid are no longer satisfactory.

By an Order dated the 19th January, 1899, it was directed, with respect to factories and workshops in which the manufacture of edge tools is carried on, that a part of any such factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods, may, so far as regards the period of employment of children, young persons and women, be treated as if it were a different factory or workshop, subject to the following conditions:—

- (1.) (A) Such part must consist of a separate room or separate rooms;
- (B) such part must be under separate and distinct management;
- (C) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2.) Such part shall have a separate notice (Special Exception Notice) under Sec. 66 of the Factory and Workshop Act, 1878 (now Sec. 60 of this Act), affixed therein; and a copy of every such notice must be sent to the inspector.
- (3.) Such part shall have a separate notice (Period of Employment Notice) under Sec. 19 of the Factory and Workshop Act, 1878 (now Sec. 32 of this Act), affixed therein.

(4.) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

By an Order dated the 6th September, 1900, it was directed, with respect to factories and workshops in which the manufacture of bright or burnished metal goods is carried on, that a part of any such factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods, may, so far as regards the period of employment of children, young persons and women, be treated as if it were a different factory or workshop, subject to the following conditions:—

(1.) (A) Such part must consist of a separate room or separate rooms;

(B) Such part must be under separate and distinct management;

(C) No person who is employed in such part may be employed in any other part of the factory or workshop.

(2.) Such part shall have a separate notice (Period of Employment Notice) under Sec. 19 of the Factory and Workshop Act, 1878 (now Sec. 32 of this Act), affixed therein.

(3.) The occupier of the factory or workshop must obtain from the inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

The above Orders continue to have effect, notwithstanding the repeal of the enactment under which they were made, as if they had been made in pursuance of this section (see Sec. 161 (2)).

See also the Order of the 27th March, 1897, referred to in note (d) to Sec. 49, *ante*, pp. 66, 67.

152.—(1.) A woman, young person, or child, who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or

Definition of employment and working for hire.

in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act (a), be deemed to be employed therein within the meaning of this Act (b).

(2.) For the purposes of this Act an apprentice shall be deemed to work for hire.

(a) See Sec. 158.

(b) See *Prior v. Slathwaite Spinning Co.*, cited in note (c) to Sec. 33, *ante*, p. 46.

Application
of Act to
London.

153.—(1.) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire (a), the London County Council shall take the place of the district council, and their expenses in the execution of that section shall be defrayed as part of their expenses in the management of the London Building Act, 1894.

57 & 58 Vict.
c. ccxiii.

(2.) In the application to the administrative county of London of the section of this Act giving power to make byelaws providing for means of escape from fire (b), the reference to a district council shall be construed as a reference to the London County Council.

(3.) The power of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops whether exceeding sixty feet in height or not.

(4.) Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards the city of London, be construed as references to the court of common council and the city, and, as regards any other part of the administrative county of London,

as references to the council of a metropolitan borough and the metropolitan borough.

(a) Sec. 14.

(b) Sec. 15.

154. References in this Act to a district council and the district thereof shall be construed as including references to the council of a county borough and the county borough. Application of Act to county boroughs.

155. The powers conferred by this Act on district councils shall be in addition to, and not in substitution for, any other powers which they may possess. Saving for existing powers of district councils.

156.—(1.) In this Act unless the context otherwise requires,— General definitions.

The expression “bank holiday” means a holiday under the Holidays Extension Act, 1875 :

38 & 39 Vict.
c. 13.

The expression “child” means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III. of this Act :

“Child.”

See Sec. 71.

The expression “machinery” includes any driving strap or band : “Machinery.”

The expression “mill-gearing” comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process :

“Mill-gearing.”

The expression “night” means the period between nine o'clock in the evening and six o'clock in the succeeding morning :

“Night.”

The expression “owner” has the meaning given to it by section four of the Public Health Act, 1875 :

“Owner.”

“Owner” is defined by Sec. 4 of the Public Health Act, 1875, as meaning “the person for the time being receiving the rackrent

of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent." "Rackrent" means "rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises."

- "Parent." The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child :
- "Prescribed." The expression "prescribed" means prescribed for the time being by the Secretary of State :
- "Process." The expression "process" includes the use of any locomotive :
- "Special Order." The expression "Special Order" means an Order which is subject to the provisions of section one hundred and twenty-six of this Act with regard to Special Orders of the Secretary of State :
- "Week." The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night :
- "Woman." The expression "woman" means a woman of the age of eighteen years and upwards :
- "Young person." The expression "young person" means a person who has ceased to be a child and is under the age of eighteen years :

(2.) For the purposes of this Act employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(3.) The factories and workshops named in the Sixth Schedule to this Act are in this Act referred to by the names therein assigned to them.

(4.) References in this Act to regulations made under this Act shall be construed as including references to special rules established or requirements made under any previous Act.

conducted on the system of not employing any woman, young person, or child therein :—

- (1.) The sections in Part I. relating to temperature, thermometers, means of ventilation, drainage of floors, sanitary conveniences, opening of doors, power to make orders as to dangerous machinery, and inquests (a) ;
- (2.) Part II. and Part III. (b) ;
- (3.) The sections in Part IV. relating to fans and to lavatories and meals (c) ;
- (4.) Part VII. (d) ;
- (5.) The sections of Part VIII. relating to the affixing of abstracts and notices, and the keeping of a general register, and the first sub-section of the section relating to periodical returns (e).

(a) Secs. 6, 7, 8, 9, 16, 17, and 21.

(b) Secs. 23 to 72.

(c) Secs. 74, 75, and 78.

(d) Secs. 116 and 117.

(e) Secs. 128, 129, 130 (1).

158. Nothing in this Act shall extend to any young person being a mechanic, artizan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop.

Saving for young persons employed in repairs.

(ii.) *Application of Act to Scotland and Ireland.*

159. In the application of this Act to Scotland—

Application of Act to Scotland.

- (1.) The expression “ certified efficient school ” means any public or other elementary school under Government inspection :
- (2.) The expression “ district council ” and the expression “ district ” used with reference to such council mean the local authority under the Public Health (Scotland) Act, 1897, and their district :
- (3.) The expression “ medical officer of health ” means the medical officer under the Public Health (Scotland) Act, 1897 :

60 & 61 Vict. c. 38.

- (4.) The expression "poor law medical officer" means the medical officer appointed by the parish council :
- (5.) The expression "court of summary jurisdiction" means the sheriff of the county :
- (6.) The expression "Board of Education" means the Scotch Education Department :
- (7.) The provisions of this Act relating to certificates of proficiency or of due attendance (a) shall not apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by section three of the Education (Scotland) Act, 1901 (b), shall be deemed to be a young person for the purposes of this Act.

1 Edw. 7, c. 9.

(a) Sec. 71.

(b) See note (a) to Sec. 71, *ante*, p. 88.

- (8.) The expression "county court" means the sheriff court :
- (9.) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution as the case may require.
- (10.) The expression "information" means petition or complaint :
- (11.) The expression "informant" means petitioner, pursuer, or complainer :
- (12.) The expression "defendant" means defender or respondent :
- (13.) The expression "clerk of the peace" means sheriff clerk :
- (14.) The expression "owner" has the meaning given to it by section three of the Public Health (Scotland) Act, 1897 :
- (15.) The expression "inspector of nuisances" means sanitary inspector within the meaning of the Public Health (Scotland) Act, 1897 :

- (16.) The expression "Births and Deaths Registration Acts, 1836 to 1874," means the Acts relating to the registration of births, deaths and marriages in Scotland :
- (17.) The expression "Public Health Act, 1875," means the Public Health (Scotland) Act, 1897, and the Acts amending the same, and references to section ninety-one and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be construed respectively as references to section sixteen and sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 : 60 & 61 Vict.
c. 38.
- (18.) The expenses incurred by a local authority under the provisions of this Act with respect to means of escape in case of fire shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act, 1897 :
- (19.) The expression "Local Government Board" means the Local Government Board for Scotland :
- (20.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts at the instance of the procurator fiscal or of any inspector :
- (21.) The court may make, and may alter or vary, summary orders under this Act on petition by the procurator fiscal or an inspector presented in common form :
- (22.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months :
- (23.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that the

prosecution is brought at the instance of that inspector :

- (24.) Every person convicted of any offence under this Act shall be liable in the reasonable costs and charges of the conviction :
- (25.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the King's and Lord Treasurer's Remembrancer on behalf of His Majesty's Exchequer, and shall be carried to the Consolidated Fund :
- (26.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs :
- (27.) The provisions of this Act with respect to appeals to quarter sessions shall not apply, and any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746, or under any enactment amending that Act, or applying or incorporating its provisions or any of them with regard to appeals, or under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

20 Geo. 2,
c. 43.

38 & 39 Vict.
c. 62.

Application
of Act to
Ireland.

160. In the application of this Act to Ireland—

- (1.) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :
- (2.) The expression "recognised efficient school" means a certified efficient school and any school which is recognised for the time being by an inspector under this Act as giving efficient elementary education :
- (3.) In the provisions of this Act relating to certificates

of birth the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1876, and a school attendance committee shall be substituted for a local authority :

55 & 56 Vict.
c. 42.

(4.) In the provisions of this Act relating to payment by occupiers of sums for schooling, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1891, and a school grant shall be substituted for a fee grant :

(5.) The expression "medical officer of health" includes a medical superintendent of health :

(6.) The expression "poor law medical officer" means the medical officer of a dispensary district :

(7.) Any act authorised to be done or consent required to be given by, or report required to be made to, the Board of Education under this Act shall be done and given by or to the Lord Lieutenant, acting by and with the advice of the Privy Council in Ireland :

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions :

6 & 7 Will. 4,
c. 13.

(9.) Appeals from a court of summary jurisdiction shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts :

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same :

14 & 15 Vict.
c. 90.

(11.) The provisions of section one hundred and seven

41 & 42 Vict.
c. 52.

of the Public Health (Ireland) Act, 1878, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, or workplace :

(12.) The Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1878, shall apply to buildings in which persons are employed, whatever their number may be, in like manner, as they apply to buildings where more than twenty persons are employed :

41 & 42 Vict.
c. 52.

(13.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular sections two, one hundred and seven, and two hundred and nineteen to two hundred and twenty-three of the former Act shall be substituted for sections four, ninety-one, and one hundred and eighty-two to one hundred and eighty-six of the latter Act respectively :

(14.) The expression "the Local Government Board" means the Local Government Board for Ireland :

(15.) The expression "the Births and Deaths Registration Acts, 1836 to 1874," means the Births and Deaths Registration (Ireland) Acts, 1863 to 1880 :

(16.) All matters required by this Act to be published in the London Gazette shall, if they relate to Ireland, be published in the Dublin Gazette, either in addition or in substitution as the case may require.

(iii.) *Repeal, &c.*

Repeal of
Acts.

161. The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that schedule mentioned ;

Provided that—

(1.) All notices affixed in a factory or workshop in

pursuance of any enactment hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and

- (2.) All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act ; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force ; and
- (3.) All inspectors, sub-inspectors, certifying surgeons, officers, clerks, and servants, appointed in pursuance of any enactment hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act ; and
- (4.) All certificates of fitness for employment granted in pursuance of any enactment hereby repealed shall have effect as if granted in pursuance of this Act, and all registers kept in pursuance of any enactment hereby repealed shall, until otherwise directed by the Secretary of State, be deemed to be the registers required by this Act.

162. This Act shall come into operation on the first day of January one thousand nine hundred and two. Commence-
ment of Act.

163. This Act may be cited as the Factory and Workshop Act, 1901. Short title.

SCHEDULES.

FIRST SCHEDULE.

Section 14.

PROVISIONS AS TO ARBITRATIONS.

(1.) The parties to the arbitration are in this schedule deemed to be the owner of the factory or workshop on the one hand and the district council on the other hand.

(2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3.) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4.) The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5.) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

(6.) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7.) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as has been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

(10.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13.) The decision of every umpire on the matters referred to him shall be final.

(14.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15.) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16.) The arbitrators and the umpire, or any of them,

may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they think it expedient to consult.

(17.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under this Act.

SECOND SCHEDULE.

Section 49. FACTORIES AND WORKSHOPS IN WHICH OVERTIME IS ALLOWED.

(1.) Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,—

- (A) Flax scutch mills; and
- (B) Any factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and
- (C) The part of rope works in which is carried on the open-air process; and
- (D) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing; and
- (E) Any factory or workshop or part thereof in which is carried on glue making; and

(2.) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year; namely,—

(F) Letter-press printing works; and

(G) Bookbinding works; and

any factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(H) Lithographic printing; or

(I) Machine ruling; or

(K) Firewood cutting; or

(L) Bon-bon and Christmas present making; or

(M) Almanac making; or

(N) Valentine making; or

(O) Envelope making; or

(P) Aerated water making; or

(Q) Playing card making; and

(3.) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events; namely, any factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(R) The making up of any article of wearing apparel; or

(S) The making up of furniture hangings; or

(T) Artificial flower making; or

(U) Fancy box-making; or

(V) Biscuit making; or

(W) Job dyeing; and

(4.) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

For other factories and workshops to which the exception allowing overtime employment of women for press of work has been extended by Order of the Secretary of State, see note (d) to Sec. 49, *ante*, pp. 65 to 67.

Section 88.

THIRD SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

(1.) Boards to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair.

(2.) Hand rails must be fixed over the drums and kept in proper repair.

(3.) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4.) Every floor constructed on or after the first day of January one thousand eight hundred and ninety-six must be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences must be provided for facilitating such removal.

(5.) Every grinding room or hull established on or after the first day of January one thousand eight hundred and ninety-six must be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs, and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding room or hull must be closely fenced.

(7.) Except in pursuance of a special exemption granted by the Secretary of State, a grindstone must not be run before any fire-place or in front of another grindstone.

By an Order of the Secretary of State dated the 25th October, 1897, which continues to have effect as if made in pursuance of this Act (Sec. 161 (2)), a special exemption was granted that this 7th regulation should not apply to the running of any grindstone in front of—

Bolster stones used by table-blade grinders, and
Humping and shank stones used by scissors-grinders.

(8.) A grindstone erected on and after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

FOURTH SCHEDULE.

COTTON CLOTH FACTORIES.

Sections
90—92, 96.

TABLE.

MAXIMUM LIMITS OF HUMIDITY OF THE ATMOSPHERE AT GIVEN TEMPERATURES.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermo- meter Readings. Degrees Fahrenheit.	III. Wet Bulb Thermo- meter Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. Saturation = 100.
1·9	35	33	80
2·0	36	34	82
2·1	37	35	83
2·2	38	36	83
2·3	39	37	84
2·4	40	38	84
2·5	41	39	84
2·6	42	40	85
2·7	43	41	84
2·8	44	42	84
2·9	45	43	85
3·1	46	44	86
3·2	47	45	86
3·3	48	46	86
3·4	49	47	86
3·5	50	48	86
3·6	51	49	86
3·8	52	50	86
3·9	53	51	86
4·1	54	52	86
4·2	55	53	87
4·4	56	54	87
4·5	57	55	87
4·7	58	56	87
4·9	59	57	88
5·1	60	58	88
5·2	61	59	88
5·4	62	60	88
5·6	63	61	88
5·8	64	62	88
6·0	65	63	88
6·2	66	64	88
6·4	67	65	88
6·6	68	66	88
6·9	69	67	88

TABLE OF HUMIDITY—*continued.*

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermo- meter Readings, Degrees Fahrenheit.	III. Wet Bulb Thermo- meter Readings, Degrees Fahrenheit.	IV. Percentage of Humidity. Saturation = 100.
7·1	70	68	88
7·1	71	68·5	85·5
7·1	72	69	84
7·4	73	70	84
7·4	74	70·5	81·5
7·65	75	71·5	81·5
7·7	76	72	79
8·0	77	73	79
8·0	78	73·5	77
8·25	79	74·5	77·5
8·55	80	75·5	77·5
8·6	81	76	76
8·65	82	76·5	74
8·85	83	77·5	74
8·9	84	78	72
9·2	85	79	72
9·5	86	80	72
9·55	87	80·5	71
9·9	88	81·5	71
10·25	89	82·5	71
10·3	90	83	69
10·35	91	83·5	68
10·7	92	84·5	68
11·0	93	85·5	68
11·1	94	86	66
11·5	95	87	66
11·8	96	88	66
11·9	97	88·5	65·5
12·0	98	89	64
12·3	99	90	64
12·7	100	91	64

As to the modification of the above table in the case of factories in which the spinning of merino, cashmere, or wool by the "French" or "dry" process is carried on, see note (d) to Sec. 96, *ante*, p. 114.

FORM OF RECORD.

FORM FOR RECORDING THE READINGS OF THE THERMOMETERS.

Name of Occupier

Address of Factory

Room { Number or Designation
 Process carried on
 Number of Operatives
 Cubic contents

cubic feet.

Date.		READINGS OF THERMOMETERS IN DEGREES FAHRENHEIT.						If no Artificial Humidity is produced in the 24 hours, insert in this column "None."
Year	Month and Day.	Between 7 and 8 a.m.		Between 10 and 11 a.m.		Between 3 and 4 p.m.		
		Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
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	16							
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	18							
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	20							
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							

(Signed)

Occupier or Manager.

FIFTH SCHEDULE.

Section 124.

FEES OF CERTIFYING SURGEONS.

PART I.

FEES ON EXAMINATION FOR CERTIFICATES OF FITNESS FOR
EMPLOYMENT.

When the examination is at the factory or workshop . . .	}	2s. 6d. for each visit, and 6d. for each person after the first five examined at that visit; and also if the factory or workshop is more than one mile from the surgeon's residence, 6d. for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and that place as well as the day and hour appointed for the purpose has been published in the prescribed manner. . .		6d. for each person examined.

PART II.

FEES ON EXAMINATION BY DIRECTION OF SECRETARY OF STATE
OR IN PURSUANCE OF REGULATIONS UNDER THIS ACT.

When the number of hands is under 10 . . .	2s. 6d. per visit.
" " " " 20 . . .	3s. "
" " " " 30 . . .	3s. 6d. "
" " " " 50 . . .	4s. "
" " " " 75 . . .	4s. 6d. "
" " " " 100 . . .	5s. "
" " " " over 100 . . .	7s. 6d. "

With the addition of 1s. for every mile or part of a mile in excess of one mile from the surgeon's residence.

SIXTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

Sections 54,
149, 156.

PART I.

NON-TEXTILE FACTORIES.

(1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper ;

"Print works."

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;

"Bleaching and dyeing works."

Premises in which the processes of hooking, lapping, making up and packing cloth are carried on are bleaching and dyeing works within this definition, even if none of such processes are carried on as incidental to bleaching or dyeing (*Rogers v. Manchester Packing Co.* [1898] 1 Q. B. 344).

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles ;

"Earthenware works."

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

"Lucifer-match works."

(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

"Percussion cap works."

“Cartridge works.”

(6.) “Cartridge works,” that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

“Paper-staining works.”

(7.) “Paper-staining works,” that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

“Fustian-cutting works.”

(8.) “Fustian-cutting works,” that is to say, any place in which persons work for hire in fustian-cutting ;

“Blast furnaces.”

(9.) “Blast furnaces,” that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

“Copper mills.”

(10.) “Copper mills” ;

“Iron mills.”

(11.) “Iron mills,” that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

“Foundries.”

(12.) “Foundries,” that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

“Metal and india-rubber works.”

(13.) “Metal and india-rubber works,” that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha ;

“Paper mills.”

(14.) “Paper mills,” that is to say, any premises in which the manufacture of paper is carried on ;

- (15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on ; "Glass works."
- (16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ; "Tobacco factories."
- (17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on ; "Letter-press printing works."
- (18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ; "Bookbinding works."
- (19.) "Flax scutch mills " ; "Flax scutch mills."
- (20.) "Electrical stations," that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, or of any hotel, or of any railway, mine, or other industrial undertaking. "Electrical stations."

PART II.

NON-TEXTILE FACTORIES AND WORKSHOPS.

The following premises and places (21) to (28) are factories if therein, or within the close or curtilage or precincts thereof, mechanical power is used in aid of the manufacturing process carried on there. If such power is not so used, they are workshops (Sec. 149).

- (21) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ; "Hat works."
- (22.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises "Rope works."

joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

Rope works in which machinery moved by mechanical power is used for drawing or spinning the fibres of flax, hemp, jute, or tow, are textile factories.

“ Bake-
houses.”

(23.) “ Bakehouses,” that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;

“ Lace
warehouses.”

(24.) “ Lace warehouses,” that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

“ Ship-
building
yards.”

(25.) “ Shipbuilding yards,” that is to say, any premises in which any ships, boats, or vessels used in navigation, are made, finished, or repaired ;

A dock does not become a shipbuilding yard within the meaning of this definition merely because a ship lying in the dock is being repaired or finished. In *Spencer v. Livett* [1900] 1 Q. B. 498, a case arising under the Workmen’s Compensation Act, 1897, an accident happened to a workman engaged in repairing a ship lying in a public dock at Southampton. The County Court Judge found as facts that it was in the usual and ordinary course for ships to be repaired in the dock in question ; that the ship was in dock for the purpose of repairs ; and that the ship’s engine and crane were being used in the execution of the repairs ; and that the dock was a shipbuilding yard. The Court of Appeal reversed this decision, holding that the dock could not properly be said to be a shipbuilding yard within the definition.

In *Jackson v. Rodger*, 1900, 2 Fraser, 533, a firm of shipbuilders had contracted to build a steamship, including her engines. After being launched at their shipbuilding yard, the ship was taken to a public dock for the purpose of having her engines erected and fitted by another firm with whom the first-mentioned firm had contracted for the engines. The Court of Session held that the dock was not a shipbuilding yard. (See also *Brown v. Herriot*, 1899, 33 Ir. T. L. R. 123 ; *Low v. Abernethy*, 1900, 2 Fraser, 722.)

(26.) "Quarries," that is to say, any place, not being "Quarries." a mine, in which persons work in getting slate, stone, coprolites or other minerals;

With regard to quarries which are more than twenty feet deep in any part, the powers of factory inspectors under this Act are transferred by the Quarries Act, 1894 (57 & 58 Vict. c. 42), s. 3, to inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875.

(27.) "Pit-banks," that is to say, any place above "Pit-banks." ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts. 50 & 51 Vict. c. 58. 35 & 36 Vict. c. 77.

The Coal Mines Regulation Act, 1887, does contain regulations as to the employment of women above ground, but the Metalliferous Mines Regulation Act, 1872, does not. The pit-banks of metalliferous mines are therefore factories or workshops within this definition, but the pit-banks of coal mines are not.

(28.) Dry cleaning, carpet beating, and bottle washing works.

SEVENTH SCHEDULE.

PART I.

Section 161.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	The whole Act.

ENACTMENTS REPEALED—*continued.*

Session and Chapter.	Title of Act.	Extent of Repeal.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	The whole Act except sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37.	The Factory and Workshop Act, 1895.	The whole Act except section twelve, sub-section three of section twenty-four, and section twenty-eight.
60 & 61 Vict. c. 58.	The Cotton Cloth Factories Act, 1897.	The whole Act.
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act, 1900.	In sub-section three of section thirteen the words "factory workshop or" wherever they occur, and the words "the occupier of the factory or workshop or."

PART II.

ENACTMENTS REPEALED FROM A DATE TO BE FIXED BY ORDER OF THE SECRETARY OF STATE (a).

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	Sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37.	The Factory and Workshop Act, 1895.	Section twelve. Sub-section three of section twenty-four. Section twenty-eight.

(a) These enactments relate to the making and enforcing of Special Rules for dangerous trades. They are set out, together with the Special Rules now in force, in Appendix A.

APPENDIX A.

The following enactments are repealed by the Act of 1901 as from a date to be fixed by Order of the Secretary of State.

THE FACTORY AND WORKSHOP ACT, 1891.

(54 & 55 VICT. c. 75.)

Special Rules and Requirements.

8.—(1.) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

Special rules and requirements as to dangerous and unhealthy incidents of employment.

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case may be, the requirement shall be observed, subject to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter

in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

See Secs. 24 (3) and 28 (1) of the Act of 1895, *post*, p. 213.

Penalty for
contravention
of
special rules
or require-
ment.

9.—(1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing, the rules to prevent the contravention or non-compliance.

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

As to tenement factories, see Sec. 24 (3) of the Act of 1895, *post*, p. 213.

Amendment
of special
rules.

10.—(1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

As to tenement factories, see Sec. 24 (3) of the Act of 1895, *post*, p. 213.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

Certified copies of special rules to be evidence.

FIRST SCHEDULE.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

As to the representation of workmen on the arbitration, see Sec. 12 of the Act of 1895, *post*, p. 213.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one

days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of non-payment be recovered in the same manner as fines under the principal Act.

THE FACTORY AND WORKSHOP ACT, 1895.

(58 & 59 VICT. c. 37.)

12.—Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrator or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

Representation of workmen on arbitration as to special rules.

24.—(3.) Sections 8 to 11 of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

28.—(1.) Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb. Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation.

Power to prohibit or restrict employment in dangerous trade.

(2.) Sections 8 to 12 of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.

 SPECIAL RULES.

The following are the Special Rules now in force for employments which have been certified to be dangerous or injurious to health under Sec. 8 of the Act of 1891. See note to Sec. 79 of the Act of 1901, *ante*, pp. 99-101.

If any person who is bound to observe any of these Rules acts in contravention of, or fails to comply with, any such Rule, he is liable to a penalty; and the occupier is also liable to a penalty, unless

he proves that he has taken all reasonable means, by publishing, and to the best of his power enforcing, the Rules, to prevent the contravention or non-compliance (see Sec. 9 of the Act of 1891).

WHITE LEAD FACTORIES.

In these Rules "person employed in a lead process" means a person who is employed in any work or process involving exposure to white lead, or to lead or lead compounds used in its manufacture, or who is admitted to any room or part of the factory where such process is carried on.

Any approval given by the Chief Inspector of Factories in pursuance of Rules 2, 4, 6, 9, or 12 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIERS.

- New works. 1. On and after July 1st, 1899, no part of a white lead factory shall be constructed, structurally altered, or newly used, for any process in which white lead is manufactured or prepared for sale, unless the plans have previously been submitted to and approved in writing by the Chief Inspector of Factories.
- Stacks. 2.—(A) Every stack shall be provided with a standpipe and movable hose, and an adequate supply of water distributed by a rose.
- White beds. (B) Every white bed shall, on the removal of the covering boards, be effectually damped by the means mentioned above.
- Where it is shown to the satisfaction of the Chief Inspector of Factories that there is no available public water service in the district, it shall be a sufficient compliance with this Rule if each white bed is, on the removal of the covering boards, effectually damped by means of a watering can.
- Chamber process. 3. Where white lead is made by the Chamber process, the chamber shall be kept moist whilst the process is in operation, and the corrosions shall be effectually moistened before the chamber is emptied.
- Corrosions. 4.—(A) Corrosions shall not be carried except in trays of impervious material.
- (B) No person shall be allowed to carry on his head or shoulder a tray of corrosions which has been allowed to rest directly upon the corrosions, or upon any surface where there is white lead.
- (C) All corrosions before being put into the rollers or washbecks, shall be effectually damped, either by dipping the tray containing them in a trough of water or by some other method approved by the Chief Inspector of Factories.
- Rollers. 5. The flooring round the rollers shall either be of smooth

cement or be covered with sheet lead, and shall be kept constantly moist.

6. On and after January 1st, 1901, except as herein-after provided— Drying stoves.

(A) Every stove shall have a window, or windows, with a total area of not less than eight square feet, made to open, and so placed as to admit of effectual through ventilation.

(B) In no stove shall bowls be placed on a rack which is more than ten feet from the floor.

(C) Each bowl shall rest upon the rack and not upon another bowl.

(D) No stove shall be entered for the purpose of drawing until the temperature at a height of five feet from the floor has fallen either to 70° F., or to a point not more than 10° F. above the temperature of the air outside.

(E) In drawing any stove or part of a stove there shall not be more than one stage or standing place above the level of the floor.

Provided that if the Chief Inspector approves of any other means of ventilating a stove, as allowing of effectual through ventilation, such means may be adopted, notwithstanding paragraph (A) of this Rule; and if he approves of any other method of setting and drawing the stoves, as effectually preventing white lead from falling upon any worker, such method may be followed, notwithstanding paragraphs (B) and (E) of this Rule.

7. No person shall be employed in drawing Dutch stoves on more than two days in any week. Drawing Dutch stoves.

8. No dry white lead shall be deposited in any place that is not provided either with a cover or with a fan effectually removing the dust from the worker. Deposit of dry white lead.

9. On and after January 1st, 1900, the packing of dry white lead shall be done only under conditions which secure the effectual removal of dust, either by exhaust fans or by other efficient means approved in each case by the Chief Inspector of Factories. Packing.

This Rule shall not apply where the packing is effected by mechanical means entirely closed in.

10. The floor of any place where packing of dry white lead is carried on shall be of cement, or of stone set in cement.

11. No woman shall be employed or allowed in the white beds, rollers, washbecks, or stoves, or in any place where dry white lead is packed, or in other work exposing her to white lead dust. Employment of women.

12.—(A) A duly qualified medical practitioner (in these Rules referred to as the "appointed surgeon") shall be appointed by the occupier for each factory, such appointment to be subject to the approval of the Chief Inspector. Weekly medical examination.

(B) No person shall be employed in a lead process for more than a week without a certificate of fitness granted after examination by the appointed surgeon.

(C) Every person employed in a lead process shall be examined once a week by the appointed surgeon, who shall have power to order suspension from employment in any place or process.

(D) No person after such suspension shall be employed in a lead process without the written sanction of the appointed surgeon.

Health
register.

(E) A register in a form approved by the Chief Inspector of Factories shall be kept, and shall contain a list of all persons employed in lead processes. The appointed surgeon will enter in the register the dates and results of his examinations of the persons employed, and particulars of any directions given by him. The register shall be produced at any time when required by H.M. Inspectors of Factories, or by the certifying surgeon, or by the appointed surgeon.

Medical
attendance.

13. Upon any person employed in a lead process complaining of being unwell, the occupier shall, with the least possible delay, give an order upon a duly qualified medical practitioner.

Respirators,
overalls, head-
coverings.

14. The occupier shall provide and maintain sufficient and suitable respirators, overalls, and head-coverings, and shall cause them to be worn as directed in Rule 29.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed or renewed every week; and those which have been used in the stoves, and all respirators, shall be washed or renewed daily.

Dining-room,
cloak-room.

15. The occupier shall provide and maintain a dining-room and a cloak-room in which workers can deposit clothing put off during working hours.

Food.

16. No person employed in a lead process shall be allowed to prepare or partake of any food or drink except in the dining-room or kitchen.

Sanitary
drink.

17. A supply of a suitable sanitary drink, to be approved by the appointed surgeon, shall be kept for the use of the workers.

Lavatory.

18. The occupier shall provide and maintain a lavatory for the use of the workers, with soap, nail-brushes, and at least one lavatory basin for every five persons employed. Each such basin shall be fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on, except where there is no available public water service, in which case the provision of hot and cold water shall be such as shall satisfy the inspector in charge of the district.

The lavatory shall be thoroughly cleaned and supplied with clean towels after every meal.

There shall, in addition, be means of washing in close proximity to the workers of each department, if required by notice in writing from the inspector in charge of the district.

There shall be facilities, to the satisfaction of the inspector in charge of the district, for the workers to wash out their mouths.

19. Before each meal, and before the end of the day's work, at least ten minutes in addition to the regular meal times, shall be allowed to each worker for washing. Allowance of time for washing.

A notice to this effect shall be affixed in each department.

20. The occupier shall provide and maintain sufficient baths and dressing rooms for all persons employed in lead processes, with hot and cold water, soap, and towels, and shall cause each such person to take a bath once a week at the factory. Baths.

A bath register shall be kept, containing a list of all persons employed in lead processes, and an entry of the date when each person takes a bath. Bath register.

This register shall be produced at any time when required by H.M. Inspectors of Factories or by the certifying surgeon or by the appointed surgeon.

21. The dressing-rooms, baths, and w.c.'s shall be cleaned daily.

22. The floor of each workroom shall be cleaned daily, after being thoroughly damped. Cleaning floors.

DUTIES OF PERSONS EMPLOYED.

23. No person shall strip a white bed or empty a chamber without previously effectually damped as directed in Rules 2 and 3. Corrosions.

24. No person shall carry corrosions, or put them into the rollers or washbecks, otherwise than as permitted by Rule 4.

25. No person shall set or draw a stove otherwise than as permitted by Rules 6 and 7. Stoves.

26. No person shall deposit or pack dry white lead otherwise than as permitted by Rules 8 and 9. Packing.

27. Every person employed in a lead process shall present himself at the appointed times for examination by the appointed surgeon, as provided in Rule 12. Weekly medical examination.

28. No person, after suspension by the appointed surgeon, shall work in a lead process without his written sanction.

29. Every person engaged in—

White beds,

Packing,

Emptying chambers,

Paint mixing,

Rollers, washbecks, or grinding,

Handling dry white lead,

Setting or drawing stoves,

Respirators, overalls, head-coverings.

or in any work involving exposure to white lead dust, shall, while so occupied, wear an overall suit and head-covering.

Every person engaged in stripping white beds, or in emptying

chambers, or in drawing stoves, or in packing, shall, in addition, wear a respirator while so occupied.

Washing.

30. Every person engaged in any place or process named in Rule 29 shall, before partaking of meals or leaving the premises, deposit the overalls, head-coverings, and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

Baths.

31. Every person employed in a lead process shall take a bath at the factory at least once a week, and wash in the lavatory before bathing; having done so, he shall at once sign his name in the bath register, with the date.

Food.

32. No person employed in a lead process shall smoke or use tobacco in any form, or partake of food or drink, elsewhere than in the dining-room or kitchen.

Ventilation.

33. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust.

Reporting neglect of rules.

34. The foreman shall report to the manager, and the manager shall report to the occupier, any instance coming under his notice of a worker neglecting to observe these Rules.

False pretences.

35. No person shall obtain employment under an assumed name or under any false pretence.

PROCESSES IN THE MANUFACTURE OF PAINTS, COLOURS, AND IN THE EXTRACTION OF ARSENIC.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels, and take measures to secure that every worker wash face and hands before meals, and before leaving the works; and, in addition to the above, sufficient bath accommodation for the use of all persons employed in the manufacture of Milan red, vermilionette, or Persian red.

They shall provide suitable respirators and overall suits, kept in a cleanly state, for all workers engaged in any department where dry white lead or arsenic is used in either the manufacture or paint mixing, and overall suits for those engaged in grinding in water or oil, and for all workers in Milan red, vermilionette, or Persian red, wherever dust is generated.

They shall provide a sufficient supply of approved sanitary drink, which shall be accessible to the workers at all times, and shall cause such approved sanitary drink to be taken daily by workers in any department where white lead or arsenic is used in the manufacture, and shall provide a supply of aperient medicine, which shall be given to the workers, when required, free of charge.

No food shall be eaten in any part of the works where white lead or arsenic is used in the manufacture.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which white lead or arsenic is used in the manufacture.

No person shall smoke or use tobacco in any part of the works in which white lead or arsenic is used in the manufacture.

FOR WORKS, OR PARTS OF WORKS, IN WHICH LEAD, ARSENIC, OR ANTIMONY IS USED IN THE ENAMELING OF IRON PLATES.

DUTIES OF OCCUPIERS.

1. They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail-brushes, and towels, and take measures to secure that every worker wash face and hands before meals and before leaving the works. Lavatories.
 2. They shall provide suitable respirators, overall suits, and head-coverings for all workers employed in the processes of grinding, dusting, and brushing. Respirators, overalls, head-coverings.
 3. They shall adopt measures on and after the first day of October, 1894, in the dusting and brushing processes for the removal of all superfluous dust, by the use of perforated benches or tables supplied with fans to carry the dust down through the apertures of such benches or tables, the under part of which must be boxed in. Dust.
 4. They shall provide a sufficient supply of approved sanitary drink, and shall cause the workpeople to take it. Sanitary drink.
 5. They shall arrange for a medical inspection of all persons employed, at least once a month. Medical examination.
- They shall see that no female is employed without previous examination and a certificate of fitness from the medical attendant of the works.
- They shall see that no person who has been absent from work through illness shall be re-employed without a medical certificate to the effect that he or she has recovered.
6. Upon any person employed in the works complaining of being unwell, the occupier shall, with the least possible delay, and at his Medical attendance.

own expense, give an order upon a doctor for professional attendance and medicine. It is to be understood that this Rule will not apply to persons suffering from complaints which have not been contracted in the process of manufacture.

Cloak-room. 7. They shall provide a place or places free from dust and damp in which the operatives can hang up the clothes in which they do not work.

(It is recommended that they shall provide for each female before the day's work begins some light refreshment, such as a half-pint of milk and a biscuit.)

DUTIES OF PERSONS EMPLOYED.

Respirators, overalls, head-coverings. Washing. 8. Every person to whom is supplied a respirator or overall and head-covering shall wear the same when at the work for which such are provided.

9. Every person shall carefully clean and wash hands and face before meals and before leaving the works.

Food. 10. No food shall be eaten by any person in any part of the works except in the apartment specially provided for the purpose.

False pretences. 11. No person may seek employment under an assumed name or under any false pretence.

Respirators :—A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested	{	Sulphate of magnesia	-	2 oz.
		Water	- - - -	1 gallon
		Essence of lemon,	sufficient to flavour.	

LUCIFER MATCH FACTORIES IN WHICH WHITE OR YELLOW PHOSPHORUS IS USED.

Definitions. In these Rules "phosphorus process" means mixing, dipping, drying, boxing, and any other work or process in which white or yellow phosphorus is used; and "person employed in a phosphorus process" means any person who is employed in any room or part of the factory where such a process is carried on.

"Double dipped matches" means wood splints both ends of which have been dipped in the igniting composition.

"Certifying surgeon" means a surgeon appointed under the Factory and Workshop Acts.

Any approval or decision given by the Chief Inspector of Factories in pursuance of these Rules shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Date of commencement of certain Rules. Rules 5 (A), 5 (B), 6, 8, and 19, so far as they affect the employment of adult workers, shall not come into force until the 1st day of October, 1900.

DUTIES OF EMPLOYERS.

1. No part of a lucifer match factory shall be constructed, structurally altered, or newly used, for the carrying on of any phosphorus process, unless the plans have previously been submitted in duplicate to the Chief Inspector of Factories, and unless he shall have approved the plans in writing, or shall not within six weeks from the submission of the plans have expressed his disapproval in writing of the same. Plans.
2. Every room in which mixing, dipping, drying or boxing is carried on—
- Shall be efficiently ventilated by means of sufficient openings to the outer air, and also by means of fans, unless the use of fans is dispensed with by order in writing of the Chief Inspector; Ventilation.
- Shall contain at least 400 cubic feet of air space for each person employed therein; and in computing this air space no height above fourteen feet shall be taken into account; Air space.
- Shall be efficiently lighted; Lighting.
- Shall have a smooth and impervious floor. A floor laid with flagstones or hard bricks in good repair shall be deemed to constitute a smooth and impervious floor. Floor.
- 3.—(A) The processes of mixing, dipping, and drying shall each be done in a separate and distinct room. The process of boxing double dipped matches or matches not thoroughly dry shall also be done in a separate and distinct room. These rooms shall not communicate with any other part of the factory unless there shall be a ventilated space intervening; nor shall they communicate with one another, except by means of doorways with closely-fitting doors, which doors shall be kept shut except when some person is passing through. Separate rooms.
- (B) Mixing shall not be done except in an apparatus so closed, or so arranged, and ventilated by means of a fan, as to prevent the entrance of fumes into the air of the mixing room. Mixing.
- (C) Dipping shall not be done except on a slab provided with an efficient exhaust fan, and with an air inlet between the dipper and the slab, or with a hood so arranged as to draw the fumes away from the dipper, and to prevent them from entering the air of the dipping room. Dipping.
- (D) Matches that have been dipped and cannot at once be removed to the drying room shall immediately be placed under a hood provided with an efficient exhaust fan, so arranged as to prevent the fumes from entering the air of the room. Drying.
- (E) Matches shall not be taken to a boxing room not arranged in compliance with sub-section (F) of this Rule until they are thoroughly dry, and matches shall not be taken to a boxing room that is so arranged until they are dried so far as they can be before cutting down and boxing.

Boxing.

(F) Cutting down of double-dipped matches and boxing of matches not thoroughly dry shall not be done except at benches or tables provided with an efficient exhaust fan, so arranged as to draw the fumes away from the worker and prevent them from entering the air of the boxing room.

Mechanical arrangements obviating hand labour.

Provided that the foregoing Rule shall not prevent the employment of any mechanical arrangement for carrying on any of the above-mentioned processes if the same be approved by the Chief Inspector as obviating the use of hand labour, and if it be used subject to the conditions (if any) specified in such approval.

Provided further that if the Chief Inspector shall, on consideration of the special circumstances of any particular case, so approve in writing, all or any of the provisions of the foregoing Rule may be suspended for the time named in such approval in writing.

Phosphorus paste.

4. Vessels containing phosphorus paste shall, when not actually in use, be kept constantly covered, and closely-fitting covers or damp flannels shall be provided for the purpose.

Appointed dentist.

5.—(A) For the purposes of these Rules the occupier shall appoint, subject to the approval of the Chief Inspector, a duly qualified and registered dentist, herein termed the appointed dentist.

(i.) Suspension.

It shall be the duty of the appointed dentist to suspend from employment in any phosphorus process any person whom he finds to incur danger of phosphorus necrosis by reason of defective conditions of teeth or exposure of the jaw.

(ii.) Preliminary examination.

(B) No person shall be newly employed in a dipping room for more than twenty-eight days, whether such days are consecutive or not, without being examined by the appointed dentist.

(iii.) Periodical examination.

(C) Every person employed in a phosphorus process, except persons employed only as boxers of wax vestas or other thoroughly dry matches, shall be examined by the appointed dentist at least once in every three months.

(iv.) Special examination in case of toothache, &c.

(D) Any person employed in the factory complaining of toothache, or a pain or swelling of the jaw, shall at once be examined by the appointed dentist.

(v.) Reference of cases to certifying surgeon.

(E) When the appointed dentist has reason to believe that any person employed in the factory is suffering from inflammation or necrosis of the jaw, or is in such a state of health as to incur danger of phosphorus necrosis, he shall at once direct the attention of the certifying surgeon and occupier to the case. Thereupon such person shall at once be examined by the certifying surgeon.

Exclusion of certain persons from employment in phosphorus processes.

6. No person shall be employed in a phosphorus process—
 after suspension by the appointed dentist; or
 after the extraction of a tooth; or
 after any operation involving exposure of the jaw bone; or
 after inflammation or necrosis of the jaw; or

after examination by the appointed dentist in pursuance of Rule 5 (D); or

after reference to the certifying surgeon in pursuance of Rule 5 (E), unless a certificate of fitness has been given, after examination, by signed entry in the health register, by the appointed dentist or by the certifying surgeon in cases referred to him under Rule 5 (E).

7. A health register, in a form approved by the Chief Inspector of Factories, shall be kept by the occupier, and shall contain a complete list of all persons employed in each phosphorus process, specifying with regard to each such person the full name, address, age when first employed, and date of first employment.

The certifying surgeon will enter in the health register the dates and results of his examination, of persons employed in phosphorus processes, and particulars of any directions given by him.

The appointed dentist will enter in the health register the date and results of his examinations of the teeth of persons employed in phosphorus processes, and particulars of any directions given by him, and a note of any case referred by him to the certifying surgeon.

The health register shall be produced at any time when required by H.M. Inspectors of Factories, or by the certifying surgeon, or by the appointed dentist.

8. Except persons whose names are on the health register mentioned in Rule 7, and in respect of whom certificates of fitness shall have been granted, no person shall be newly employed in any phosphorus process for more than twenty-eight days, whether such days are consecutive or not, without a certificate of fitness, granted after examination by the certifying surgeon, by signed entry in the health register.

This Rule shall not apply to persons employed only as boxers of wax vestas or other thoroughly dry matches.

9. The occupier shall provide and maintain sufficient and suitable overalls for all persons employed in phosphorus processes, except for persons employed only as boxers of wax vestas or other thoroughly dry matches, and shall cause them to be worn as directed in Rule 20.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed every week, and suitable arrangements for this purpose shall be made by the occupier.

10. The occupier shall provide and maintain—

- (A) A dining-room, and
- (B) A cloak-room in which workers can deposit clothing put off during working hours.

Health register.

(i.) Entries by occupier.

(ii.) Entries by certifying surgeon.

(iii.) Entries by appointed dentist.

(iv.) Health register to be produced when required.

Preliminary examination by certifying surgeon.

Certificate of fitness.

Overalls.

Dining-room.

Cloak-room.

- Food.** 11. No person shall be allowed to prepare or partake of any food or drink in any room in which a phosphorus process is carried on, nor to bring any food or drink into such room.
- Lavatory.** 12. The occupier shall provide and maintain for the use of the workers a lavatory, with soap, nail-brushes, towels, and at least one lavatory basin for every five persons employed in any phosphorus process.
- Each such basin shall be fitted with a waste pipe, or the basins shall be placed on a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin.
- Or, in the place of basins, the occupier shall provide and maintain enamel or galvanized iron troughs, in good repair, of a total length of two feet for every five persons employed, fitted with waste pipes and without plugs, with a sufficient supply of warm water constantly available.
- The lavatory shall be kept thoroughly cleansed, and shall be supplied with a sufficient quantity of clean towels twice in each day.
- Additional means of washing where required.** There shall, in addition, be means of washing in close proximity to the workers in any department if so required in writing by the inspector in charge of the district.
- Mouth wash.** 13. The occupier shall provide for the use of every person employed in a phosphorus process an antiseptic mouth-wash approved by the appointed dentist, and a sufficient supply of glasses or cups.
- Cleansing of floors.** 14. The floor of each room in which a phosphorus process is carried on shall be cleared of waste at least once a day, and washed at least once a week.
- Copy of rules to be given to persons employed.** 15. A printed copy of these Rules shall be given to each person on entering upon employment in a phosphorus process.

DUTIES OF PERSONS EMPLOYED.

- Use of appliances provided by occupier under Rule 3.** 16. No person shall work in a mixing, dipping, drying, or boxing room under other conditions than those prescribed in Rule 3.
- Phosphorus paste.** 17. No person shall allow a vessel containing phosphorus paste to remain uncovered except when actually in use.
- Medical and dental examination.** 18. All persons employed in a phosphorus process shall present themselves at the appointed times for examination by the certifying surgeon and appointed dentist, as provided in Rules 5, 6 and 8.
- Toothache, &c., to be reported.** 19. Every person employed in a phosphorus process and suffering from toothache or swelling of the jaw, or having had a tooth extracted, or having undergone any other operation involving exposure of the jaw, shall at once inform the occupier, and shall not resume employment in a phosphorus process without a certificate of fitness from the appointed dentist, as provided in Rule 6.

No person, after suspension by the appointed dentist, or after reference to the certifying surgeon, shall resume employment in a phosphorus process without a certificate of fitness, as provided in Rule 6.

Exclusion from employment in phosphorus processes.

20. Every person employed in a phosphorus process for whom the occupier is required by Rule 9 to provide overalls shall wear while at work the overalls so provided.

Overalls.

21. Every person employed in a phosphorus process shall, before partaking of meals or leaving the premises, deposit the overalls in the place appointed by the occupier for the purpose, and shall thoroughly wash in the lavatory.

Washing.

22. No person shall prepare or partake of food or drink in any room in which a phosphorus process is carried on, or bring any food or drink in such room.

Food.

23. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust and fumes.

Means of removal of dust and fumes not to be interfered with.

24. Foremen and forewomen shall report to the manager any instance coming under their notice of a worker neglecting to observe these Rules.

Foremen to report neglect of rules.

THE MANUFACTURE OF EARTHENWARE AND CHINA.

DUTIES OF OCCUPIERS.

1. After July 1st, 1901, no material containing lead which has not been fritted shall be used in any of the following places:—

Lead to be fritted.

Dipping house or dippers' drying room,
or in any of the following processes:—

Ware cleaning after the application of glaze by dipping or other process,

Glost placing,

Colour dusting (whether on-glaze or under-glaze),

Colour blowing (whether on-glaze or under-glaze),

Groundlaying,

Painting in majolica or other glaze,

Glaze blowing,

Lithographic transfer making,

or in any other place or process in which materials containing lead are used or handled in the dry state (except for the making of fritts), or in the form of spray, or in suspension in liquid other than oil or similar medium.

Provided that nothing in this Rule shall prevent the use of any ore or chemical compound of lead, which without the admixture of any other material conforms to the standard of insolubility specified in Rule 2.

Lead to be in insoluble form.

2. After July 1st, 1902, no glaze shall be used which yields to a dilute solution of hydrochloric acid more than two per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described below.

A weighed quantity of dried material is to be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0.25 per cent. of HCl. This solution is thereafter to be allowed to stand for one hour and to be passed through a filter. The lead salt contained in an aliquot portion of the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate.

Samples for analysis.

3. The occupier shall allow any of His Majesty's inspectors of factories to take at any time sufficient samples for analysis of any material in use or mixed for use.

Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the inspector to take, seal, and deliver to him a duplicate sample.

Age and sex limits.

4. No woman, young person or child shall be employed in the mixing of unfritted lead compounds in the preparation or manufacture of fritte, glazes, or colours.

5. No person under 15 years of age shall be employed in any place or process included in Rule 1, or in the process of china scouring.

Provided that nothing in this Rule shall prevent the employment of young persons over the age of 14 in any place or process (other than china scouring) in which all the materials used conform to the standard of insolubility specified in Rule 2.

Monthly examination.

6. Every person employed in a place or process included in Rule 1, or in the process of china scouring, shall be examined once in each calendar month by the certifying surgeon for the district.

The certifying surgeon may order, by signed certificate in the register, the suspension of any person from employment in any place or process included in Rule 1, or in the process of china scouring; and no person after such suspension shall be allowed to work in any place or process included in Rule 1, or in the process of china scouring, without a certificate of fitness from the certifying surgeon entered in the register.

Health register.

7. A register, in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall be kept, and in it the certifying surgeon will enter the dates and results of his visits, the number of persons examined in pursuance of Rule 6, and particulars of any directions given by him. This register shall contain a list of all persons employed in the places and processes included in Rule 1, or in the process of china scouring.

and shall be produced at any time when required by His Majesty's Inspector of Factories or by the certifying surgeon.

8. The occupier shall provide and maintain suitable overalls and head-coverings for all women and young persons employed in the places and processes included in Rule 1, or in the process of china scouring. Overalls and head-coverings.

No person shall be allowed to work in any place or process included in Rule 1, or in the process of china scouring, or in the mixing of unfritted lead compounds, without wearing suitable overalls and head-coverings.

All overalls, head-coverings, and respirators, when not in use or being washed or repaired, shall be kept by the occupier in proper custody. They shall be washed or renewed at least once a week. Suitable arrangements shall be made for carrying out these requirements.

A suitable place, other than that provided for the keeping of overalls, head-coverings, and respirators, shall be provided in which the above workers can deposit clothing put off during working hours.

Provided that nothing in this Rule shall render it obligatory on any person engaged in drawing glost ovens to wear overalls and head-coverings.

9. No person shall be allowed to keep, or prepare, or partake of any food or drink, or tobacco, or to remain during meal times, in the dipping house or dippers' drying room, or in a place in which is carried on any process included in Rule 1, or china scouring. Food.

The occupier shall make suitable provision to the reasonable satisfaction of the inspector in charge of the district for the accommodation during meal times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories. Such accommodation shall not be provided in any room or rooms which are included in Rule 1, or in which china scouring is carried on, or in a lavatory.

Suitable provision should be made for the deposit of food brought by the workers.

10. The processes of—

- Towing of earthenware,
- China scouring,
- Flat-knocking,
- Dry-flint sifting,
- Groundlaying,
- Colour dusting (whether on-glaze or under-glaze),
- Colour blowing (whether on-glaze or under-glaze),
- Glaze blowing, or
- Transfer making

Dust.

shall not be carried on without the use of exhaust fans for the effectual removal of dust, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe.

In the process of ware cleaning after the dipper, exhaust fans shall be used; or alternatively, if the conditions be such that no dust is produced, arrangements shall be made for any glaze scraped off to fall into water.

In all processes the occupier shall, as far as practicable, adopt efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

Respirators. 11. No person shall be employed in the making of unfritted lead compounds, in the preparation or manufacture of fritts, glazes or colours containing lead without wearing a suitable and efficient respirator provided and maintained by the employer; unless the mixing is performed in a closed machine or the materials are in such a condition that no dust is produced.

Ventilation. 12. All drying stoves as well as all workshops and all parts of factories shall be effectually ventilated to the reasonable satisfaction of the inspector in charge of the district.

Lavatories. 13. The occupier shall provide and continually maintain sufficient and suitable washing conveniences for all persons employed in the places and processes included in Rule 1, or in the process of china scouring, as near as practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two-basins, and conveniences for emptying the same and running off the waste water on the spot down a waste pipe.

There shall be at least two feet of standing room in front of each basin.

Cleansing of workplaces. 14. The occupier shall see that the floors of workshops and of such stoves as are entered by the workpeople are sprinkled and swept daily; that all dust, scraps, ashes, and dirt are removed daily, and that the mangles, work benches, and stairs leading to workshops, are cleansed weekly.

As regards every potter's shop and stove, and every place and process included in Rule 1, and the process of china scouring, the occupier shall cause the cleansing of floors to be done after other work has ceased for the day, and in the case of potters' shops, stoves, dipping-houses, and majolica painting rooms, by an adult male.

15. The occupier shall cause the boards used in the dipping house, dippers' drying room, or glost placing shop to be cleansed every week, and shall not allow them to be used in any other department, except after being cleansed. Boards.

DUTIES OF PERSONS EMPLOYED.

16. All persons employed in the places and processes included in Rule 1, or in the process of china scouring, shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 6. Monthly examination.

No person after suspension by the certifying surgeon shall work in any place or process included in Rule 1, or in the process of china scouring, without a certificate of fitness from the certifying surgeon entered in the register.

17. Every person employed in a place or process included in Rule 1, or in the process of china scouring, or in the mixing of unfritted lead compounds, shall, when at work, wear an overall suit and head covering, and also a respirator when so required by Rule 11, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed or repaired. All overalls and head-coverings shall be washed or renewed at least once a week. Overalls.

The hair must be so arranged as to be fully protected from dust by the head-covering.

The overalls, head-coverings, and respirators, when not being worn, shall be deposited in the place specified by the occupier for the purpose.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 8.

18. No person shall remain during meal-times in the dipping house, dippers' drying room, or in any place in which is carried on any process included in Rule 1, or in the process of china scouring; or introduce, keep, prepare, or partake of any food or drink or tobacco therein at any time. Food.

19. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and stoves and for the removal of dust. Ventilation—
Dust.

20. No person employed in a place or process included in Rule 1, or in the process of china scouring, shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands. Washing.

No person employed shall remove or damage the washing conveniences provided under Rule 13.

Boards.

21. The boards used in the dipping house, dippers' drying room, or glost placing shop shall not be used in any other department, except after being cleansed.

ALTERNATIVE RULE FOR PROCESSES IN WHICH NO LEAD
OR OTHER POISONOUS MATERIAL IS USED.

Disuse of
lead.

22. If the occupier of the factory to which these Rules apply gives, with reference to any place or process included in Rule 1, an undertaking that no lead or lead compound or other poisonous material shall be used, the Chief Inspector may approve in writing of the suspension of the operation of Rules 4, 5, 6, 7, 8, 15, 16, 17, and 21, or any of them, in such place or process; and thereupon such Rules shall be suspended as regards the place or process named in the Chief Inspector's approval, and in lieu thereof the following rule shall take effect, viz.: no lead or lead compound or other poisonous material shall be used in any place or process so named.

MAKING TRANSFERS FOR EARTHENWARE AND CHINA.

DUTIES OF OCCUPIERS.

Age. 1. No person under 15 years of age shall be employed in making transfers for earthenware or china.

Monthly examination. 2. All women and young persons employed shall be examined once a month by the certifying surgeon for the district, who shall after May 1st, 1899, have power to order suspension from employment.

No person after such suspension shall be allowed to work without the written sanction of the certifying surgeon.

Health register. 3. A register, in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall be kept, and in it the certifying surgeon will enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed, and shall be produced at any time when required by H.M. Inspector of Factories or by the certifying surgeon.

Overalls and head-coverings. 4. The occupier shall provide and maintain suitable overalls and head-coverings for all women and young persons employed in rooms in which colour processes are carried on.

All overalls and head-coverings shall be kept by the occupier in proper custody and shall be washed at least once a week, and suitable arrangements shall be made for carrying out these requirements.

A suitable place shall be provided in which the above workers can deposit clothing put off during working hours.

It shall be a sufficient compliance with the requirements of this Rule as to head-coverings if they are made of suitable glazed paper and renewed once a week. The head-coverings shall be made so as completely to cover the hair and to the satisfaction of the inspector.

5. No person shall be allowed to prepare or partake of any food or drink, or to remain during meal-times, in any place in which is carried on the making of transfers. Food.

The occupier shall make suitable provision to the reasonable satisfaction of the inspector in charge of the district for the accommodation during meal-times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories.

6. Transfer making shall not be carried on without the use of exhaust fans for the effectual removal of dust, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe. Dust.

7. The occupier shall provide and maintain sufficient and suitable washing conveniences for all persons employed, as near as is practicable to the places in which such persons are employed. Lavatories.

The washing conveniences shall comprise soap, nail-brushes and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste pipe.

DUTIES OF PERSONS EMPLOYED.

8. All women and young persons employed shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 2. Monthly examination.

No person after suspension by the certifying surgeon shall work without the written sanction of the certifying surgeon.

9. Every person employed in any room in which colour processes are carried on shall, when at work, wear an overall suit and head-covering, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed. All overalls and head-coverings shall be washed or renewed at least once a week. Overalls.

The overalls and head-coverings, when not being worn, shall be deposited in the place provided for the purpose under Rule 4.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 4.

It shall be a sufficient compliance with the requirements of this

Rule as to head-coverings if they are made of suitable glazed paper and renewed once a week. The head-coverings shall be made so as completely to cover the hair and to the satisfaction of the inspector.

Food. 10. No person shall remain during meal-times in any place in which is carried on the making of transfers; or prepare or partake of any food or drink therein at any time.

Ventilation.
Dust. 11. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and for the removal of dust.

Washing. 12. No person employed shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

THE MANUFACTURE OF EXPLOSIVES IN WHICH DI-NITRO-BENZOLE IS USED.

1. No person to be employed without a medical certificate, stating that he or she is physically fit for such employment.

2. An examination of the workers at their work to be made at least once a fortnight by a certifying surgeon, who shall have power to order temporary suspension or total change of work for any person showing symptoms of suffering from the poison, or if after a fair trial he is of opinion that any person is by constitution unfit, he shall direct that such person shall cease to be employed.

3. A supply of fresh milk, and of any drug that the medical officer may consider desirable, shall be kept where the workers in his opinion may require it.

4. No meals to be taken in the workrooms.

5. There shall be provided separate lavatories for men and women, with a good supply of hot water, soap, nail-brushes, and towels, and whenever the skin has come in contact with di-nitro-benzole, the part shall be immediately washed.

6. Overall suits and head-coverings shall be supplied to all workers in shops where di-nitro-benzole is used, these suits to be taken off or well brushed before meals and before leaving the works, and to be washed at least once a week.

7. Suitable respirators (capable of being washed), folds of linen, or woollen material of open texture, or other suitable material, shall be supplied to those workers liable to inhale dust, and the wearing of such respirators shall be urged where the workers derive benefit from their use.

8. Where di-nitro-benzole has to be handled, the hands shall always be protected from direct contact with it, either by the use of india-rubber gloves (kept perfectly clean, especially in the inner

side), or by means of rags which shall be destroyed immediately after use.

9. Where di-nitro-benzole is broken by hand, the instrument used shall be a wooden bar, spade, or tool with a handle long enough to prevent the worker's face from coming into near contact with the material.

10. In all rooms or sheds in which the process, either of purifying, grinding, mixing materials of which di-nitro-benzole forms a part, is carried on, efficient "cowls," ventilating shafts, and mechanical ventilating fans shall be provided to carry off the dust or fumes generated.

11. Drying stoves shall be efficiently ventilated, and, when possible, be charged and drawn at fixed times, and a free current of air shall be admitted for some time prior to the workers entering to draw either a part or the whole of the contents.

12. In the process of filling cartridges, the material shall not be touched by hand, but suitable scoops shall be used, and where patent ventilated cartridge filling machines are not used, there shall be efficient mechanical ventilation arranged in such a manner that the suction shall draw the fumes or dust away from and not across or over the faces of the workers.

13. A register, in a prescribed form, shall be kept, and it shall be the duty of a responsible person named by the firm to enter, at least once a week, a statement that he has personally satisfied himself that each and all of the Special Rules have been observed, or if not, the reasons for such non-observance. The surgeon to enter in this register the dates of his visits, the results of such visits, and any requirement made by him.

14. The "dipping" rooms to be efficiently ventilated.

CHEMICAL WORKS.

1. In future every uncovered pot, pan, or other structure containing liquid of a dangerous character, shall be so constructed as to be at least three feet in height above the ground or platform. Those already in existence which are less than three feet in height, or in cases where it is proved to the satisfaction of an inspector that a height of three feet is impracticable, shall be securely fenced. Uncovered pots and pans.

2. There shall be a clear space round such pots, pans, or other structures, or where any junction exists a barrier shall be so placed as to prevent passage.

3. Caustic pots shall be of such construction that there shall be no footing on the top or sides of the brickwork, and dome-shaped lids shall be used where possible. Caustic pots.

4. No unfenced planks or gangways shall be placed across open Planks and gangways.

pots, pans, or other structures containing liquid of a dangerous character. This Rule shall not apply to black ash vats where the vats themselves are otherwise securely fenced.

Respirators. 5. Suitable respirators shall be provided for the use of the workers in places where poisonous gases or injurious dust may be inhaled.

Lighting. 6. The lighting of all dangerous places shall be made thoroughly efficient.

Syringes or wash-bottles. 7. Every place where caustic soda or caustic potash is manufactured shall be supplied with syringes or wash-bottles, which shall be enclosed in covered boxes fixed in convenient places, in the proportion of one to every four caustic pots. They shall be of suitable form and size, and be kept full of clean water. Similar appliances shall be provided wherever, in the opinion of an inspector, they may be desirable.

Overalls. 8. Overalls, kept in a cleanly state, shall be provided for all workers in any room where chlorate of potash or other chlorate is ground. In every such room a bath shall be kept ready for immediate use.

In every chlorate mill, tallow or other suitable lubricant shall be used instead of oil.

Respirators. 9. Respirators charged with moist oxide of iron or other suitable substance, shall be kept in accessible places ready for use in cases of emergency arising from sulphuretted hydrogen or other poisonous gases.

Salt cake departments. 10. In salt cake departments suitable measures shall be adopted by maintaining a proper draught and by other means to obviate the escape of low-level gases.

Weldon bleaching powder chambers. 11. Weldon bleaching powder chambers, after the free gas has, as far as may be practicable, been drawn off or absorbed by fresh lime, shall, before being opened, be tested by the standard recognised under the Alkali Act. Such tests shall be duly entered in a register kept for the purpose.

All chambers shall be ventilated, as far as possible, when packing is being carried on, by means of open doors on opposite sides and openings in the roof so as to allow of a free current of air.

**Co-operation of workers :
Penalty.** 12. In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, s. 9, which runs as follows :—

“If any person who is bound to observe any Special Rules, established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

FOR CHEMICAL WORKS IN WHICH IS CARRIED ON THE
MANUFACTURE OF BICHROMATE OR CHROMATE
OF POTASSIUM OR SODIUM.

In these Rules "person employed in a chrome process" means a person who is employed in any work involving contact with chromate or bichromate of potassium or sodium, or involving exposure to dust or fumes arising from the manufacture thereof.

Any approval given by the Chief Inspector in pursuance of Rule 10 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIERS.

1. No uncovered pot, pan, or other structure containing liquid of a dangerous character shall be so constructed as to be less than three feet in height above the adjoining ground or platform.

Open pans, &c., containing dangerous liquid.
- This rule shall not apply to any pot, pan, or other structure constructed before January 1st, 1899, or in which a height of three feet is impracticable by reason of the nature of the work to be carried on: provided in either case that the structure is securely fenced.
2. There shall be a clear space round all pots, pans, or other structures containing liquid of a dangerous character, except where any junction exists, in which case a barrier shall be so placed as to prevent passage.
3. No unfenced plank or gangway shall be placed across any pot, pan, or other structure containing liquid of a dangerous character.
4. The lighting of all dangerous places shall be made thoroughly efficient.

Lighting.
5. The grinding, separating, and mixing of the raw materials (including chrome ironstone, lime, and sodium and potassium carbonate) shall not be done without such appliances as will prevent, as far as possible, the entrance of dust into the workrooms.

Grinding, separating, and mixing of raw materials.
6. "Batches," when withdrawn from the furnaces, shall either be placed in the keaves or vats while still warm, or be allowed to cool in barrows, or other receptacles.

Batches.
7. Evaporating vessels shall be covered in, and shall be provided with ventilating shafts to carry the steam into the outside air.

Evaporating vessels.
8. Packing or crushing of bichromate of potassium or sodium shall not be done except under conditions which secure either the entire absence of dust or its effectual removal by means of a fan.

Packing and crushing of bichromate.
9. No child or young person shall be employed in a chrome process.

Age.
- 10.—(A) The occupier shall, subject to the approval of the Chief Inspector, appoint a duly qualified medical practitioner (in these Rules referred to as the appointed surgeon), who shall examine all persons employed in chrome processes at least once in every month,

Monthly medical examination.

Suspension. and shall undertake any necessary medical treatment of disease contracted in consequence of such employment, and shall, after the 30th day of April, 1900, have power to suspend any such person from work in any place or process.

(B) No person after such suspension shall be employed in any chrome process without the written sanction of the appointed surgeon.

Health register. (c) A register shall be kept in a form approved by the Chief Inspector, and shall contain a list of all persons employed in any chrome process. The appointed surgeon shall enter in the register the dates and results of his examinations of the persons employed and particulars of any treatment prescribed by him. The register shall be produced at any time when required by H.M. Inspectors of Factories or by the appointed surgeon.

Requisites for treating slight wounds and ulcers. 11. Requisites (approved by the appointed surgeon) for treating slight wounds and ulcers shall be kept at hand and be placed in charge of a responsible person.

Overalls and respirators. 12. The occupier shall provide sufficient and suitable overall suits for the use of all persons engaged in the processes of grinding the raw materials; and sufficient and suitable overall suits or other adequate means of protection approved in writing by the appointed surgeon, for the use of all persons engaged in the crystal department or in packing.

Respirators approved by the appointed surgeon shall be provided for the use of all persons employed in packing or crushing bichromate of sodium or potassium.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

The overalls and respirators shall be thoroughly washed or renewed every week.

Cloak-room. 13. The occupier shall provide and maintain a cloak-room in which workers can deposit clothing put off during working hours.

Lavatory. 14. The occupier shall provide and maintain a lavatory for the use of the persons employed in chrome processes; with soap, nail-brushes, and towels, and a constant supply of hot and cold water laid on to each basin. There shall be at least one lavatory basin for every five persons employed in the crystal department and in packing. Each such basin shall be fitted with a waste pipe, or shall be placed in a trough fitted with a waste pipe.

Baths. 15. The occupier shall provide and maintain sufficient baths and dressing rooms for all persons employed in chrome processes, with hot and cold water laid on, and a sufficient supply of soap and towels; and shall cause each person employed in the crystal department and in packing to take a bath once a week at the factory.

A bath register shall be kept containing a list of all persons employed in the crystal department and in packing, and an entry of the date when each person takes a bath. Bath register.

The bath register shall be produced at any time when required by H.M. Inspectors of Factories.

16. The floors, stairs, and landing shall be cleaned daily. Cleaning of floors, &c.

DUTIES OF PERSONS EMPLOYED.

17. No person shall deposit a "batch" when withdrawn from the furnace upon the floor nor transfer it to the keaves or vats otherwise than as prescribed in Rule 6. Batches.

18. No person shall pack or crush bichromate of potassium or sodium otherwise than as prescribed in Rule 8. Packing and crushing of bichromate.

19.—(A) Every person employed in a chrome process shall present himself at the appointed times for examination by the appointed surgeon as provided in Rule 10. Medical examination.

(B) After the 30th day of April, 1900, no person suspended by the appointed surgeon shall work in a chrome process without his written sanction.

20. Every person engaged in the processes of grinding the raw materials shall wear an overall suit, and every person engaged in the crystal department or in packing shall wear an overall suit or other adequate means of protection approved by the appointed surgeon. Overalls.

Every person employed in packing or crushing bichromate of sodium or potassium shall in addition wear a respirator while so occupied. Respirators.

21. Every person employed in the processes named in Rule 20 shall before leaving the premises deposit the overalls and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory. Washing.

22. Every person employed in the crystal department and in packing shall take a bath at the factory at least once a week; and, having done so, he shall at once sign his name in the bath register with the date. Bathing.

23. The foreman shall report to the manager any instance coming under his notice of a workman neglecting to observe these Rules. Neglect to be reported.

RED AND ORANGE LEAD WORKS.

DUTIES OF OCCUPIERS.

In drawing charges of massicot, or of red lead, or of orange lead, from the furnace they shall not allow the charges of massicot, or of red lead, or of orange lead, to be discharged on to the floor of the Drawing.

factory or workshop, but shall arrange that it be shovelled, not raked, into waggons.

Packing. They shall arrange that no red or orange lead shall be packed in the room or rooms where the manufacture is actually carried on.

They shall arrange that no red or orange lead shall be packed in casks or other receptacles except in a place provided with a hood connected with a fan, or shall provide other suitable means to create an effective draught.

Washing conveniences. They shall provide sufficient bath accommodation for all persons employed in the manipulation of red and orange lead, and lavatories, with a good supply of hot water, soap, nail-brushes, and towels for the use of such persons.

Monthly examination. They shall arrange for a monthly visit by a medical man, who shall examine every worker individually, and who shall enter the result of each examination in a register book to be provided by the said occupiers.

Sanitary drink. They shall provide a sufficient supply of approved sanitary drink for the workers.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, s. 9, which runs as follows:—

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

YELLOW LEAD.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom salts and of an approved sanitary drink.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is

not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, s. 9, which runs as follows :—

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

Respirators : A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested: Sulphate of magnesia, 2 ounces ; water, 1 gallon ; essence of lemon sufficient to flavour.

LEAD SMELTING WORKS.

DUTIES OF OCCUPIERS.

They shall provide respirators and overall suits for the use of all persons employed in cleaning the flues, and take means to see that the same are used.

They shall arrange that no person be allowed to remain at work more than two hours at a time in a flue. (A rest of half an hour before re-entering will be deemed sufficient.)

They shall provide sufficient bath accommodation for all persons employed in cleaning the flues, and every one so employed shall take a bath before leaving the works.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, s. 9, which runs as follows :—

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

**FOR WORKS IN WHICH LEAD OR ARSENIC IS USED
IN THE TINNING AND ENAMELLING OF IRON
HOLLOW-WARE.**

DUTIES OF OCCUPIERS.

Washing. They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

Meals. They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

DUTIES OF PERSONS EMPLOYED.

Co-operation of workers. In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, s. 9, which runs as follows:—

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

ELECTRIC ACCUMULATOR WORKS.

DUTIES OF OCCUPIERS.

Bath.
Lavatory. They shall provide a bath and lavatory accommodation, with a plentiful supply of hot and cold water, soap, nail-brushes and towels.

Respirators.
Overalls. They shall provide respirators and overall suits for all persons employed in the operation of mixing.

Gloves.
Aprons. They shall provide gloves and aprons for all persons employed in the occupation of rubbing.

They shall see that the gloves are constantly inspected and renewed when defective.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, s. 9, which runs as follows:—

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act acts

in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds."

Respirators : A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

SPINNING AND WEAVING OF FLAX.

WEAVING SHEDS (in which artificial humidity is produced).

An efficient 14-inch extracting fan shall be provided for every 2,500 square feet of floor surface, such ventilation to be arranged to the satisfaction of the Inspector of Factories, and to be kept in operation during working hours. Ventilation.

In every weaving factory where artificial humidity is produced, there shall be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers. A difference of at least two degrees shall be kept during working hours between the wet and dry bulbs (*e.g.*, dry bulb 75, wet bulb 73). Humidity.

(1.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.

(2.) The occupier or manager, or person for the time being in charge of each factory, shall read the thermometers twice in the day, *viz.*, between ten o'clock and eleven o'clock in the forenoon, and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers, in the form and in accordance with the regulations contained in Schedule B. of the Cotton Cloth Factories Act, 1889, and the readings indicated at any time by the said thermometers shall be taken to represent the actual humidity of the room at such time.

(3.) The form in which the readings of each thermometer provided for in sub-section (ii.) of this section are to be recorded shall be kept hung up near the thermometers; and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.

WET SPINNING ROOMS.

- Overalls. Where splashboards are not provided, waterproof overalls or aprons shall be provided by the occupier for all the workers, such overalls or aprons to be sufficient to protect the lower part of the chest to the satisfaction of the inspector.
- Troughs. The lids of the troughs shall be kept in perfect repair to check escape of steam.
- Floors. Floors shall be kept in sound condition so as to prevent retention or accumulation of water.
- Humidity. The same rules shall be adopted with respect to humidity as are required in the weaving sheds.

WET SPINNING ROOMS AND WEAVING FACTORIES.

- Steam pipes. Whenever steam is injected into any room, the pipes conveying the same shall be jacketed with non-conducting composition to the satisfaction of the Inspector of Factories.

ROUGHING AND SORTING AND HAND HACKLING ROOMS.

- Fans. Exhaust fans shall be provided so as to draw the dust forward and down from the face of the worker, unless some other arrangement shall be found equally effective, to the satisfaction of the Factory Inspector.
- Respirators. Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

MACHINE HACKLING ROOMS.—PREPARATION AND
CARD ROOMS.

- Fans. Exhaust fans shall be provided on the side of the room where the machines are, and inlets provided from six to seven feet from the ground on the opposite side, unless some other arrangement of such fans shall be found equally effective.
- Respirators. Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

DRESSING ROOMS.

- Ventilation. Dressing rooms must be ventilated so as to render harmless any gas, vapour or other impurities.

FOR WORKS IN WHICH LEAD OR ARSENIC IS USED
IN THE TINNING AND ENAMELLING OF METAL
HOLLOW-WARE AND COOKING UTENSILS.

DUTIES OF OCCUPIERS.

- Washing. They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail-brushes, and towels; and take

measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on. Meals.

DUTIES OF PERSONS EMPLOYED.

Every worker shall wash face and hands before meals and before leaving the works. Washing.

No worker shall eat food in any room where the process of tinning or enamelling is carried on. Meals.

FACTORIES OR WORKSHOPS IN WHICH YELLOW CHROMATE OF LEAD IS USED, OR IN WHICH GOODS DYED WITH IT UNDERGO THE PROCESSES OF BUNDLING OR NODDLING, WINDING, REELING, WEAVING OR ANY OTHER TREATMENT.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom salts and of the sanitary drink mentioned below or some other approved by H.M. Inspector of Factories.

Respirators: A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink: Sulphate of magnesia, two ounces; water, one gallon; essence of lemon sufficient to flavour.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which yellow chromate of lead is used in the manufacture.

MIXING AND CASTING OF BRASS AND OF CERTAIN OTHER ALLOYS.

Special Rules under Section 8 of the Factory and Workshop Act, 1891, and Section 28 of the Factory and Workshop Act, 1895, for the processes in the mixing and casting of brass, gun metal, bell metal, white metal, delta metal, phosphor bronzes, and manilla mixture.

DUTIES OF OCCUPIERS.

1. They shall provide adequate means for facilitating, as far as possible, the emission or escape from the shop of any noxious fumes or dust arising from the above-named processes. Such means shall include the provision of traps or of louvre gratings in the roof or ceiling of any shop in which such processes, or either of them, is or are carried on; or in case of a mixing or casting shop which is situated under any other shop, there shall be provided an adequate flue or shaft (other than any flue or shaft in connection with a furnace or fireplace) to carry any fumes from the mixing or casting shop, by or through any such shop that may be situated above it.

2. They shall cause all such mixing or casting shops, whether defined as factories or as workshops under the Factory and Workshop Act, 1878, to be cleaned down and limewashed once at least within every twelve months, or once within every six months if so required by notice in writing from H.M. Inspector of Factories and Workshops, dating from the time when these were last thus cleaned down and limewashed; and they shall record the dates of such cleaning down and limewashing in a prescribed form of register.

3. They shall provide a sufficient supply of metal basins, water, and soap, for the use of all persons employed in such mixing or casting shops.

4. They shall not employ, or allow within their factory or workshop the employment of, any woman or female young person, in any process whatever, in any such mixing or casting shop, or in any portion thereof which is not entirely separated by a partition extending from the floor to the ceiling.

DUTIES OF PERSONS EMPLOYED.

5. They shall not partake of, or cook any food in any such mixing or casting shop, within a period of at least ten minutes after the completion of the last pouring of metal in that shop.

WOOL SORTING.

DUTIES OF OCCUPIERS.

1. Bales of wool or hair shall, whenever opened for the purpose of being sorted, be so opened by men skilled in judging of the quality and condition of the material.

2. All alpaca, pelitan, cashmere, Persian, and camel hair shall be opened over a fan with a downward draught, in a room specially set apart for the purpose, separate and distinct from any sorting-room, and from any room in which work (other than opening) is carried on.

3. Van mohair shall be washed and sorted while damp, if sorted at all.

Persian shall be washed or disinfected as far as possible before being sorted.

Damaged wool or hair, fallen fleeces and foreign skin-wool or hair of the descriptions named in Rules 2 and 4 shall be washed before being sorted.

4. No alpaca, pelitan, cashmere, Persian, camel hair, or mohair shall be sorted except in rooms provided with extracting fans, so arranged that each sorting-board shall be independently connected with the extracting shaft by means of a funnel-shaped opening not less than ten inches across at the top, in such manner that the dust may be drawn downwards. The draught shall be maintained in constant efficiency while the sorters are at work, and shall be such that not less than 75 cubic feet of air per minute are drawn by the fan from beneath each sorting-board.

The extracting shaft shall be cleaned out at least once in each week.

5. The dust collected by the fan shall be discharged into properly constructed receptacles, and not into the open air. This dust, together with the sweepings from the floors and walls of the sorting-room, and from under the sorting boards, shall be removed at least twice a week, and burnt. All pieces of skin, scab, and clippings or "shearlings" shall be removed daily from the sorting-rooms, and be disinfected or destroyed. All bags in which dangerous wool or hair has been imported shall be picked clean and not brushed.

6. No person having any open cut or sore upon any part of his body shall be allowed to sort.

7. Proper provision shall be made for the keeping of the sorters' clothing and food outside of the sorting-room. No meals shall be allowed to be taken in the sorting-room.

During meal hours the windows shall be kept open.

8. No bale wool or hair shall be stored in a sorting-room, nor wool of any description unless the same be effectually screened off from the sorting-room. An air space of at least 1,000 cubic feet shall be allowed for each sorter, exclusive of any portion screened off.

9. The floor of the sorting-room shall be thoroughly sprinkled daily with a disinfectant solution, and swept daily (immediately after sprinkling) after the work is done.

10. The walls and ceilings of the sorting-room shall be limewashed at least once a year.

11. Requisites for treating scratches and slight wounds shall be kept at hand.

12. Proper and sufficient appliances for washing, including basins, water, soap, nail-brushes and towels, shall be provided in or near the sorting-rooms, for the use of the sorters.

DUTIES OF PERSONS EMPLOYED.

13. If, on opening a bale of wool or hair, any fallen fleece or damaged material is discovered, the person opening the bale shall report the discovery immediately to the foreman.

14. Every sorter having an open cut or sore on any part of his body shall immediately report the fact to the foreman.

15. No sorter shall keep in the sorting-room coats or other articles of clothing besides those he is wearing. No meals shall be taken in the sorting-room.

16. If the draught at any sorting-board, or the fan or any other appliance necessary to the production of such draught, is found to be out of order, the sorter, or any other person becoming aware of the defect, shall report it to the foreman at once.

BOTTLING OF AERATED WATER.

DUTIES OF OCCUPIERS.

Face-guards. 1. They shall provide all bottlers with face-guards, masks, or veils of wire gauze.

They shall provide all wirers, sighters, and labellers with face-guards, masks, or veils of wire gauze, or goggles.

Gauntlets. 2. They shall provide all bottlers with full-length gauntlets for both arms.

They shall provide all wirers, sighters, and labellers with gauntlets for both arms protecting at least half of the palm and the space between the thumb and forefinger.

Fencing. 3. They shall cause all machines for bottling to be so constructed, so placed, or so fenced, as to prevent as far as possible, during the operation of filling or corking, a fragment of a bursting bottle from striking any bottler, wirer, sighter, labeller, or washer.

DUTIES OF PERSONS EMPLOYED.

4. All bottlers shall, while at work, wear face-guards, masks, or Face-guards. veils of wire gauze.

All wirers, sighters, and labellers shall, while at work, wear face-guards, masks, or veils of wire gauze, or goggles; except labellers when labelling bottles standing in cases.

5. All bottlers shall, while at work, wear on both arms full-length gauntlets. All wirers, sighters, and labellers, shall, while at work, wear on both arms gauntlets protecting at least half of the palm and the space between the thumb and forefinger; except labellers when labelling bottles standing in cases.

VULCANISING OF INDIA-RUBBER BY MEANS OF
BISULPHIDE OF CARBON.

I.—DUTIES OF EMPLOYERS.

1. No child or young person shall be employed in any room in which bisulphide of carbon is used.

2. After May 1st, 1898, no person shall be employed for more than five hours in any day in a room in which bisulphide of carbon is used, nor for more than two and a half hours at a time without an interval of at least an hour.

3. In vulcanising waterproof cloth by means of bisulphide of carbon—

(A) The trough containing the bisulphide of carbon shall be self-feeding and covered over;

(B) The cloth shall be conveyed to and from the drying-chamber by means of an automatic machine;

(C) No person shall be allowed to enter the drying-chamber in the ordinary course of work;

(D) The machine shall be covered over and the fumes drawn away from the workers by means of a downward suction fan maintained in constant efficiency.

4. Dipping shall not be done except in boxes so arranged that a suction fan shall draw the fumes away from the workers.

5. No food shall be allowed to be eaten in any room in which bisulphide of carbon is used.

6. A suitable place for meals shall be provided.

7. All persons employed in rooms in which bisulphide of carbon is used shall be examined once a month by the certifying surgeon for the district, who shall, after May 1st, 1898, have power to order temporary or total suspension from work.

8. No person shall be employed in any room in which bisulphide of carbon is used, contrary to the direction of the certifying surgeon given as above.

9. A register in the form which has been prescribed by the Secretary of State for use in india-rubber works shall be kept, and in it the certifying surgeon will enter the dates and result of his visits, with the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in rooms in which bisulphide of carbon is used, and shall be produced at any time when required by H.M. Inspector of Factories or by the certifying surgeon.

II.—DUTIES OF PERSONS EMPLOYED.

10. No person shall enter the drying room in the ordinary course of work, or perform dipping except in boxes provided with a suction fan carrying the fumes away from the workers.

11. No person shall take any food in any room in which bisulphide of carbon is used.

12. After May 1st, 1898, no person shall, contrary to the direction of the certifying surgeon, given in pursuance of Rule 7, work in any room in which bisulphide of carbon is used.

13. All persons employed in rooms in which bisulphide of carbon is used shall present themselves for periodic examination by the certifying surgeon, as provided in Rule 7.

14. It shall be the duty of all persons employed to report immediately to the employer or foreman any defect which they may discover in the working of the fan or in any appliance required by these Rules.

HANDLING OF DRY AND DRY SALTED HIDES AND SKINS IMPORTED FROM CHINA OR FROM THE WEST COAST OF INDIA.

DUTIES OF OCCUPIER.

Storage of
food and
clothing.

1. Proper provision to the reasonable satisfaction of the inspector in charge of the district shall be made for the keeping of the workmen's food and clothing outside any room or shed in which any of the above-described hides or skins are unpacked, sorted, packed, or stored.

Washing.

2. Proper and sufficient appliances for washing, comprising soap, basins with water laid on, nail-brushes, and towels, shall be provided and maintained for the use of the workmen, to the reasonable satisfaction of the inspector in charge of the district.

3. Sticking-plaster, and other requisites for treating scratches and slight wounds, shall be kept at hand, available for the use of the persons employed. Dressings.

4. A copy of the appended notes shall be kept affixed with the Rules. Note to be exhibited.

DUTIES OF PERSONS EMPLOYED.

5. No workman shall keep any food, or any articles of clothing, other than those he is wearing, in any room or shed in which any of the above-described hides or skins are handled. Storage of food and clothing.

He shall not take any food in any such room or shed.

6. Every workman having any open cut or scratch or raw surface, however trifling, upon his face, head, neck, arm, or hand shall immediately report the fact to the foreman, and shall not work on the premises until the wound is healed or is completely covered by a proper dressing after being thoroughly washed. Wounds.

Note 1.—These Rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by the persons employed. Any person who is bound to observe these Rules and fails to do so, or acts in contravention of them, is liable to a penalty; and in such cases the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing and to the best of his power enforcing the Rules, to prevent the contravention or non-compliance (Factory and Workshop Act, 1891, ss. 9 and 11).

Note 2.—The danger against which these Rules are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of hides of animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust and in the substance of the hide, and may remain active for years. In this country anthrax is rare, and precautions are taken to prevent infected hides from coming into the market, consequently there is little danger in handling the hides of animals slaughtered in the United Kingdom; but in Russia, China, and the East Indies, and in many other parts of the world, the disease is common, and infected hides (which do not differ from others in appearance) are often shipped to British ports. Hence, in handling foreign dry hides the above Rules should be carefully observed. Wet salted hides are free from dust, and less risk is incurred in handling them. Nature of the disease.

The disease is communicated to man sometimes by breathing or swallowing the dust from an infected hide, but much more usually by the poison lodging in some point where the skin is broken—such as a fresh scratch or cut or a scratched pimple, or even

chapped hands. This happens most readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all on the neck—owing either to an infected hide rubbing against the bare skin, or to dust from such a hide alighting on the raw surface. But a raw surface covered by clothing is not free from risk, for dust lodging upon the clothes may sooner or later work its way to the skin beneath. Infection may also be brought about by rubbing or scratching a pimple with hand or nail carrying the anthrax poison.

The first symptom of anthrax is usually a small inflamed swelling like a pimple or boil, often quite painless, which extends and in a few days becomes black at the centre and surrounded by other "pimples." The poison is now liable to be absorbed into the system, and will cause risk to life, which can be avoided only by prompt and effective medical treatment in the early stage while the poison is still confined to the pimple. Hence, it is of the utmost importance that a doctor should *at once* be consulted if there is any suspicion of infection.

Note 3.—Suitable overalls, protecting the neck and arms, as well as ordinary clothing, add materially to the safety of the workmen, and should be provided and worn, where practicable, if dangerous hides are handled. They should be discarded on cessation of work. Similarly, for the protection of the hands, gloves should be provided and worn where the character of the work permits.

WOOL-COMBING.

For the purpose of Rules 1, 2, 12 and 13, "opening" of any wool or hair means the opening of the fleece, or, if it be not in the fleece, the opening out for looking over, or classing purposes.

DUTIES OF EMPLOYERS.

Opening.

1. No alpaca, pelitan, cashmere, Persian, or camel-hair shall be opened except—

- (A) after steeping in water, or
- (B) over an efficient opening board.

For the purposes of this Rule, no opening board shall be considered efficient unless, over a central area of four square feet, the linear velocity of air passing through the screen shall average at least 150 feet per minute for each square foot, the measurements to be taken on a uniform system approved by H.M. Chief Inspector of Factories; and no opening board shall have an area of less than seven square feet.

2. All badly-managed wool or hair, fallen fleeces, and skin, wool, or hair of the kinds named in Rule 1, shall be opened by an experienced man in the manner prescribed in Rule 1 and damped with a disinfectant and then washed without being willowed.

3. Every bale of van mohair shall be steeped in water before being opened.

4. No alpaca, pelitan, cashmere, Persian, camel-hair, or mohair shall be willowed except in a separate room provided with an efficient exhaust fan so arranged as to draw the dust away from the workmen and prevent it from entering the air of the room. Willowing.

No wool or hair shall be stored in a willowing room.

The floor of every such room shall be sprinkled daily with a disinfectant solution and swept immediately after sprinkling.

The walls and ceilings of every such room shall be limewashed at least once a year and swept down at least once a month.

5. The dust collected by the willows or other dust extracting machines and from the opening boards shall be discharged into properly constructed receptacles, and not into the open air. This dust shall be removed at least once a week. Dust.

6. Suitable provision shall be made for keeping the clothing and food of all persons who are employed in the warehouse or in any room in which is carried on willowing or opening or any other process through which the wool or hair passes before being washed. Storage of clothing and food.

7. No person having any open cut or sore upon any part of the body shall be employed in a place specified in Rule 6. Wounds.

8. No person shall be allowed to prepare or partake of any food in a place specified in Rule 6, or in a carding room. Meals.

9. Sufficient and suitable washing conveniences shall be provided and maintained for all persons employed in the places specified in Rule 6. Lavatory.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one wash-hand basin for every five persons employed as above, each basin being fitted with a waste pipe and having a constant supply of water laid on.

10. Requisites for treating scratches and slight wounds shall be kept at hand. Dressings.

DUTIES OF PERSONS EMPLOYED.

11. If, on opening a bale, any fallen fleeces or damaged material is discovered, the person opening the bale shall report the discovery immediately to the foreman. Opening.

12. No alpaca, pelitan, cashmere, Persian, or camel-hair shall be opened otherwise than as permitted by Rule 1.

13. No badly damaged wool or hair, fallen fleeces, or skin, wool, or hair of the kinds named in Rule 1, shall be opened otherwise than as permitted by Rule 2.

14. No bale of van mohair shall be opened otherwise than as permitted by Rule 3.
- Willowing. 15. No alpaca, pelitan, cashmere, Persian, camel-hair, or mohair shall be willowed except as permitted by Rule 4.
- Wounds. 16. Any person employed in a place specified in Rule 6, and having an open cut or sore upon any part of the body, shall immediately report the fact to the foreman.
- Storage of clothing and food. 17. No clothing or food shall be kept in any place specified in Rule 6.
- Meals. 18. No person shall prepare or partake of food in a place specified in Rule 6, or in a carding room, or bring any food into such room.
- Washing. 19. No person employed in any place specified in Rule 6 shall leave the works or partake of meals without previously washing his or her hands.
- Failure of fan, &c. 20. If the fan or any other appliance necessary for the carrying out of these Rules is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

APPENDIX B.

THE TRUCK ACTS, 1831 TO 1896.

NOTE.—So far as concerns factories and workshops, the provisions of these Acts are enforced by factory inspectors (see Sec. 13 (2) of the Act of 1887, and Sec. 10 of the Act of 1896).

THE TRUCK ACT, 1831.

(1 & 2 WILL. 4, c. 37.)

An Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm.

[15th October, 1831.]

Whereas it is necessary to prohibit the payment, in certain trades, of wages in goods, or otherwise than in the current coin of the realm; be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

1. That in all contracts hereafter to be made for the hiring of any artificer [*in any of the trades herein-after enumerated*], or for the performance by any artificer of any labour [*in any of the said trades*], the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and that if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

Contracts for the hiring of artificers must be made in the current coin of the realm;

By Sec. 2 of the Act of 1887 the provisions of this Act are extended to every workman as defined by the Employers and Workmen Act, 1875. The words in square brackets throughout the Act were repealed by the Statute Law Revision Act, 1891.

2. And be it further enacted, that if in any contract hereafter to be made between any artificer [*in any of the trades herein-after enumerated*] and his employer, any provision shall be made and must not contain any stipulations as to the

manner in which the wages shall be expended.

directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void.

See note to Sec. 1. Sec. 6 of the Act of 1887 extends the provisions of this section.

All wages must be paid to the workman in coin.

3. And be it further enacted, that the entire amount of the wages earned by or payable to any artificer [*in any of the trades herein-after enumerated*], in respect of any labour by him done [*in any such trade*], shall be actually paid to such artificer in the current coin of this realm, and not otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as herein-after mentioned, shall be and is hereby declared illegal, null, and void.

Payment in goods declared illegal.

See note to Sec. 1. As to deductions, see Secs. 7 to 10 of the Act of 1887, and Secs. 1 to 6 of the Act of 1896.

Artificers may recover wages, if not paid in the current coin.

4. And be it further enacted, that every artificer [*in any of the trades herein-after enumerated*] shall be entitled to recover from his employer [*in any such trade*], in the manner by law provided for the recovery of servant's wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm.

See note to Sec. 1.

In an action brought for wages no set-off shall be allowed for goods supplied by the employer, or by any shop in which the employer is interested.

5. And be it further enacted, that in any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour [*in any of the trades herein-after enumerated*], the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See note to Sec. 1. See also Secs. 5 and 6 of the Act of 1887.

6. And be it further enacted, that no employer of any artificer [*in any of the trades herein-after enumerated*] shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

No employer shall have any action against his artificer for goods supplied to him on account of wages.

See note to Sec. 1 ; and see Secs. 5 and 6 of the Act of 1887.

7. And be it further enacted, that if any such artificer as aforesaid, or his wife or widow, or if any child of any such artificer, not being of the full age of twenty-one years, shall become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done [*in any of the said trades*], which wages shall not have been paid to such artificer in the current coin of this realm, it shall be lawful for the overseers or overseer of the poor in such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose ; and the amount of the wages which may be so recovered shall be applied in reimbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

If the artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months, and not paid in cash.

See note to Sec. 1 ; and see Sec. 16 of the Act of 1887.

8. Provided always, and be it further enacted, that nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any such artificer as aforesaid, of the whole or any part of his wages, either in the notes of the governor and company of the Bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes in pursuance of the laws relating to His Majesty's revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer

Not to invalidate the payment of wages in bank notes, if artificer consents.

shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts, or orders as aforesaid, shall for the purposes of this Act be as valid and effectual as if such payments had been made in the current coin of the realm.

Penalties on employers entering into contracts hereby declared illegal.

9. And be it further enacted, that any employer of any artificer [*in any of the trades herein-after enumerated*] who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*] (a), and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

(a) Repealed by the Summary Jurisdiction Act, 1884. See note to Sec. 1, *ante*, p. 253.

Proviso.

10. [*The first part of this section, relating to the recovery of penalties, and evidence of a previous conviction in case of a second offence, was repealed by the Act of 1887. As to the recovery of penalties, see Sec. 13 of that Act.*] Provided always, that no person shall be punished as for a second offence under this Act unless ten days at the least shall have intervened between the conviction of such person for the first and the conviction by (*sic*) such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be punished as for a third offence under this Act, unless ten days at the least shall have intervened between the conviction of such person for the second and the conviction by (*sic*) such person of the third offence; but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a second offence; and that the fourth or any subsequent offence which may be committed by any such person against this Act shall be enquired of, tried, and punished in the manner hereinbefore provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous conviction or convictions as aforesaid, any such offender as aforesaid shall be punished for each

separate offence by him committed against the provisions of this Act by an equal number of distinct and separate penalties, as though each of such offences were a first or a second offence, as the case may be; and that no person shall be proceeded against or punished as for a second or as for a third offence at the distance of more than two years from the commission of the next preceding offence.

11. [*Repealed by Act of 1887.*]

12. [*Repealed by Act of 1887.*]

13. And be it further enacted, that no person shall be liable to be convicted of any offence against this Act committed by his or her copartner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid, under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of copartnership for the justices, at the hearing of any complaint for the nonpayment thereof, to make an order upon any one or more copartners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such copartners, shall be deemed to be a sufficient service upon all.

A partner not to be liable in person for the offence of his co-partner, but the partnership property to be so liable.

See also Sec. 12 of the Act of 1887.

14. And it is declared and enacted, that in all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

How summonses are to be served.

15. [*Repealed by Act of 1887.*]

16. [*Repealed by Act of 1887.*]

F.A.

Convictions
not to be
quashed for
want of form.

17. And be it further enacted, that no conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of His Majesty's superior Courts of Record; [*and no warrant of distress, or of commitments in default of sufficient distress, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.*]

18. [*Repealed by Act of 1887.*]

19. [*Repealed by Act of 1887.*]

Domestics.

20. And be it further enacted, that nothing herein contained shall extend to any domestic servant [*or servant in husbandry*] (a).
(a) Repealed by Act of 1887.

21. [*Repealed by Act of 1887.*]

22. [*Repealed by Act of 1887.*]

Particular
exceptions to
the generality
of the law.

23. And be it further enacted and declared, that nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer, [*workman, or labourer employed in any of the trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer, for or in respect of any such rent; or for or in respect of any such medicine or medical attendance; or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid: Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.

See note to Sec. 1, *ante*, p. 253.

24. And be it further enacted and declared, that nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificer for the education of any such child or children of such artificer, [*and unless the agreement or contract for such deduction shall be in writing, and signed by such artificer*] (a).

Employers may advance money to artificers for certain purposes.

(a) Repealed by Act of 1887.

25. And be it further enacted and declared, that in the meaning and for the purposes of this Act, [*all workmen, labourers, and other persons in any manner engaged in the performance of any work, employment, or operation, of what nature soever, in or about the several trades and occupations aforesaid, shall be and be deemed "artificers;" and that within the meaning and for the purposes aforesaid*] (a), all masters, bailiffs, foremen, managers, clerks, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers, shall be and be deemed to be "employers;" and that within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompence, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the "wages" of such labour; and that within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

Definition of terms.

(a) See note to Sec. 1, *ante*, p. 253.

26. [*Commencement of Act.*]

27. And be it further enacted, that the provisions of this Act shall extend over the whole of that part of the United Kingdom of Great Britain and Ireland called Great Britain.

To extend over Great Britain.

Extended to Ireland by Sec. 18 of the Act of 1887.

(Schedules repealed by Act of 1887.)

THE TRUCK AMENDMENT ACT, 1887.

(50 & 51 VICT. c. 46.)

An Act to amend and extend the Law relating to Truck.

[16th September, 1887.]

Be it enacted . . . as follows:

Short title.

1. This Act may be cited as the Truck Amendment Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled "An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm" (in this Act referred to as the principal Act), may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

1 & 2 Will. 4.
c. 37.Application
of principal
Act to work-
man as defined
by 38 & 39
Vict. c. 90.

2. The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section ten, and the expression "artificer" in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

The expression "workman" as defined by Sec. 10 of the Employers and Workmen Act, 1875, "does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract . . . be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour."

Advance of
wages.

3. Whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

Saving for
servant in
husbandry.

4. Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services.

Order for
goods as a
deduction
from wages
illegal.

5. In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any

agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

6. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

No contracts with workman as to spending wages at any particular shop, &c.

7. Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any state-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer.

Deduction for education.

In this section "state-inspected school" means any elementary school inspected under the direction of the Education Department in England or Scotland or of the Board of National Education in Ireland.

8. No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

Deduction for sharpening tools, &c.

9. Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

Audit of deductions.

10. Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of

Artificer to be paid in cash and not by way of barter for articles made by him.

trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to Her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for Her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

Offences.

11. If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act as if the offence were such an offence as in that section mentioned.

Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.

12.—(1.) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

(2.) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer had used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed

without the knowledge, consent, or connivance of the employer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

13.—(1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence. Recovery of penalties.

(2.) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

The provisions of this Sub-section are extended by Sec. 10 of the Act of 1896 to laundries and places from which work is given out by the occupier of a factory or workshop, or by a contractor or sub-contractor. As to the powers of inspectors under the Factory and Workshop Act, see Sec. 119 of the Act of 1901, *ante*, p. 153.

(3.) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of Her Majesty's exchequer, and be carried to the consolidated fund.

(4) In Scotland—

(A) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines;

(B) All offences against the said Acts shall be prosecuted in the sheriff court.

14. In this Act, unless the context otherwise requires,—

The expression "Summary Jurisdiction Acts" means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879; and, as respects Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same:

Other expressions have the same meaning as in the principal Act.

Definitions.

15. So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed. Disqualification of justice.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

Amendment
of 1 & 2
Will. 4, c. 37,
as to overseers.

16. The provisions of the principal Act conferring powers on any overseers or overseer of the poor shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor.

Repeal.

17. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

Application
of Acts to
Ireland.

18. The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions :

- (1.) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts; (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;
- (2.) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.

SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
12 Geo. 1, c. 34 .	An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies section three.
22 Geo. 2, c. 27 .	An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.

SCHEDULE—*continued.*

Session and Chapter.	Title of Act.	Extent of Repeal.
30 Geo. 2, c. 12 .	An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
57 Geo. 3, c. 115 .	An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3, c. 122 .	An Act, the title of which begins with the words "An Act to extend the provisions," and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.
1 & 2 Will. 4, c. 37	An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.

THE TRUCK ACT, 1896.

(59 & 60 VICT. c. 44.)

An Act to amend the Truck Acts. [14th August, 1896.]

Be it enacted . . . as follows :

Deductions or
payments in
respect of
fines.

1.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine, unless—

(A) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

(B) the contract specifies the acts or omissions in respect of which the fine may be imposed, and the amount of the fine or the particulars from which that amount may be ascertained; and

(C) the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer, or interruption or hindrance to his business; and

(D) the amount of the fine is fair and reasonable having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment, unless—

(A) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and

(B) particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

(3.) This section shall apply to the case of a shop assistant in like manner as it applies to the case of a workman.

Deductions or
payments in
respect of
damaged
goods.

2.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of bad or negligent work or injury to the materials or other property of the employer, unless—

(A) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

(B) the deduction or payment to be made under the contract does

not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control, or for whom he has by the contract agreed to be responsible; and

(c) the amount of the deduction or payment is fair and reasonable, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

(A) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and

(B) particulars in writing showing the acts or omissions in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

3.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for, or in respect of, the use or supply of materials, tools or machines, standing room, light, heat, or for or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman unless—

Deductions or payments in respect of materials.

(A) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to workmen, and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

(B) the sum to be paid or deducted under the contract in respect of materials, tools or machines, standing room, light, heat, or any other thing, does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of the use of machinery, light, heat, or any other thing in this section mentioned, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

(A) the deduction or payment is made in pursuance of, and in accordance with, such a contract as aforesaid; and

(B) particulars in writing showing the things in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

4. If any employer enters into any contract contrary to this Act, or makes any deduction or receives any payment contrary to this Penalty.

1 & 2 Will. 4, c. 37. Act, he shall be guilty of an offence against the Truck Act, 1831, and shall be liable to the penalties imposed by section nine of that Act as if the offence were an offence in that section mentioned.

Recovery of payments or deductions.

5. Any workman or shop assistant may recover any sum deducted by or paid to his employer contrary to this Act, provided that proceedings for such recovery are commenced within six months from the date of the deduction or payment sought to be recovered, and that where he has consented to or acquiesced in any such deduction or payment, he shall only recover the excess which has been deducted or paid over the amount, if any, which the court may find to have been fair and reasonable, having regard to all the circumstances of the case.

Production of contract.

6.—(1.) Every employer who has made any contract purporting or intending to operate as a contract under this Act, shall, on demand in writing by one of Her Majesty's inspectors of factories or of mines, produce the contract or a true copy thereof at any convenient time and place to be named by the inspector, and the inspector shall be at liberty to take a copy of the same or of any part thereof, and the employer of any workman or shop assistant who is party to any such contract shall at the time of making the contract give the workman or shop assistant a copy of the contract or of the notice containing its terms.

(2.) A workman or shop assistant who is party to any such contract shall be entitled, on request, to obtain from his employer free of charge a copy of the contract or of the notice containing its terms.

(3.) Every employer who has made any contract purporting or intending to operate as a contract under section one of this Act shall keep a register of deductions or payments, and shall enter therein every deduction or payment for or in respect of any fine purporting to be made under any such contract, specifying the amount and the nature of the act or omission in respect of which the fine was imposed, and this register shall be at all times open to inspection by one of Her Majesty's inspectors of factories or of mines.

(4.) If any person fails to comply with this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

Exemption of contract from stamp duty.

7. A contract entered into under the provisions of this Act shall not be liable to stamp duty.

8. Nothing in this Act shall make lawful any contract or payment which is illegal under the Truck Acts, 1831 and 1887, or under the Hosiery Manufacture (Wages) Act, 1874, or affect the provisions of the Coal Mines Regulation Act, 1887, or any amending Act, with respect to persons employed in mines and paid according to weight, or make lawful any deduction from payments made to those persons.

Saving as to contracts and payments illegal under existing Acts. 1 & 2 Will. 4, c. 37. 50 & 51 Vict. c. 46. 37 & 38 Vict. c. 48. 50 & 51 Vict. c. 58.

9.—(1.) The Secretary of State, if satisfied that the provisions of this Act are unnecessary for the protection of the workmen employed in any trade or business, or in any branch or department of any trade or business, either generally or within any specified area, may by order under his hand grant an exemption from those provisions in respect of the persons engaged in that trade, business, branch or department, either generally or within that area.

Power to exempt from provisions of Act.

(2.) The Secretary of State may at any time amend or revoke any such order.

(3.) Every order made under this section shall be laid as soon as may be before both Houses of Parliament, and if either House within the next forty days after the order has been so laid before that House resolves that the order ought to be annulled, the order shall, after the date of that resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order.

By an order of the Secretary of State dated March 3rd, 1897, and made in pursuance of this section, an exemption from the provisions of this Act was granted in respect of the persons engaged in all branches of the weaving of cotton in the counties of Lancashire, Cheshire, Derbyshire, and the West Riding of Yorkshire.

10. Sub-section two of section thirteen of the Truck Amendment Act, 1887 (which relates to the duty of inspectors) shall apply in the case of a laundry, and in the case of any place where work is given out by the occupier of a factory or workshop, or by a contractor, or sub-contractor, in like manner as it applies in the case of a factory.

Duties of inspectors. 50 & 51 Vict. c. 46.

11. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

Commencement.

12. This Act may be cited as the Truck Act, 1896; and the Truck Acts, 1831 and 1887, and this Act shall be construed together as one Act and may be cited collectively as the Truck Acts, 1831 to 1896.

Short title and construction.

THE PREVENTION OF CRUELTY TO CHILDREN
ACT, 1894.

(57 & 58 VICT. c. 41.)

Restrictions on Employment of Children.

Restrictions
on employ-
ment of
children.

2. If any person—

- (A) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or
- (B) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale between nine p.m. and six a.m.; or
- (C) causes or procures any child under the age of eleven years, or, having the custody, charge, or care of any such child, allows that child, to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or
- (D) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that—

- (i.) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and
- (ii.) Any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (b) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein; and
- (iii.) Paragraphs (c) and (d) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends; and
- (iv.) Paragraph (d) of this section shall not apply in the case of a person who is the parent or legal guardian of a child, and himself trains the child.

3.—(1.) A petty sessional court, or in Scotland the school board, may, notwithstanding anything in this Act, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,—

Licences for employment of children.

- (A) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or
- (B) to be trained as aforesaid; or
- (C) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878,

41 & 42 Vict.
c. 16.

specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

As to the powers of entry and inspection see Sec. 119 of the Act of 1901, *ante*, p. 153.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878.

39 & 40 Vict.
c. 79.
41 & 42 Vict.
c. 78.

THE SHOP HOURS ACTS, 1892 to 1895.

SHOP HOURS ACT, 1892.

(55 & 56 VICT. c. 62.)

An Act to amend the Law relating to the Employment of Young Persons in Shops. [28th June, 1892.]

Whereas the health of many young persons employed in shops and warehouses is seriously injured by reason of the length of the period of employment:

Be it therefore enacted . . . as follows :

1. This Act may be cited as the Shop Hours Act, 1892.

2. This Act shall come into operation on the first day of September one thousand eight hundred and ninety-two.

Short title.

Commence-
ment of Act.

3.—(1.) No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week. Hours of employment in shops.

(2.) No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878, for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours. 41 & 42 Vict. c. 16.

4. In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop. Notice of hours to be given.

For penalty see Sec. 1 of the Act of 1895, *post*, p. 275.

5. Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed. Fine for employing persons contrary to the Act.

6. Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine. Power of occupier to exempt himself from fine on conviction of actual offender.

7. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act (a), and so much of section ninety-two (a) thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto. Summary proceedings.

(a) The corresponding sections of the Act of 1901 are 143 to 147, 159 and 160.

Appointment of inspectors. 8. The council of any county or borough, and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions, and sections sixty-eight and seventy of the Factory and Workshop Act, 1878 (a), shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

(a) The corresponding sections of the Act of 1901 are 119 and 121.

Interpretation.

9. In this Act, unless the context otherwise requires—

“Shop” means retail and wholesale shops, markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public-houses and refreshment houses of any kind :

As to this definition, see *Savoy Hotel Co. v. London County Council* [1901] 1 Q. B. 665.

“Young person” means a person under the age of eighteen years :

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878.

41 & 42 Vict.
c. 16.

Exemption of members of the same family, and servants.

10. Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer's family so dwelling, or to any person wholly employed as a domestic servant.

SHOP HOURS ACT, 1893.

(56 & 57 VICT. c. 67.)

An Act to amend the Shop Hours Act, 1892. [21st December, 1893.]

Be it enacted . . . as follows:—

Short titles.

1. This Act may be cited as the Shop Hours Act, 1893, and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893.

Salaries and expenses.

2.—(1.) Any salaries payable or other expenses incurred by the council of a county or a borough for the purposes of the Shop Hours

Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and, if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.

3. In the application to Scotland of the Shop Hours Act, 1892, Definitions. and of this Act—

The expression "council of a county or a borough" means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions "county fund" shall mean the general purposes rate, and "borough fund or borough rate" shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.

SHOP HOURS ACT, 1895.

(58 Vict. c. 5.)

An Act to amend the Shop Hours Act, 1892. [9th April, 1895.]

Be it enacted . . . as follows :—

1. If any employer fails to keep exhibited the notice required by section four of the Shop Hours Act, 1892, in manner required by that section, he shall be liable to a fine not exceeding forty shillings.

Penalty on failure to comply with 55 & 56 Vict. c. 62, s. 4.

2. This Act may be cited as the Shop Hours Act, 1895, and shall be construed as part of the Shop Hours Act, 1892, and the Shop Hours Acts, 1892 and 1893, and this Act may be cited collectively as the Shop Hours Acts, 1892 to 1895.

Short title and construction.

APPENDIX C.

THE ELEMENTARY EDUCATION ACT, 1870.

(33 & 34 VICT. c. 75.)

3. In this Act—

The term “elementary school” means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week.

Regulations
for conduct
of public
elementary
school.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school); namely,

- (1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs :
- (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be with-

drawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school :

- (3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book :
- (4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

Proceedings for Supply of Schools.

8. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is, or will when completed be, suitable for the children of such district.

Determination by Education Department of deficiency of public school accommodation.

9. The Education Department shall publish a notice of their decision as to the public school accommodation for any school district, setting forth with respect to such district the description thereof, the number, size, and description of the schools (if any) available for such district, which the Education Department has taken into consideration as above mentioned, and the amount and description of the public school accommodation, if any, which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

Notice by Education Department of public school accommodation required.

If any persons being either—

- (1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor rate upon a rateable value of not less than one third of the whole rateable value of the district, or,
- (2.) The managers of any elementary school in the district, feel aggrieved by such decision, such persons may, within one month after the publication of the notice, apply in writing to the Education Department for and the Education Department shall

direct the holding of a public inquiry in manner provided by this Act.

At any time after the expiration of such month, if no public inquiry is directed, or after the receipt of the report made after such inquiry, as the case may be, the Education Department may, if they think that the amount of public school accommodation for the district is insufficient, publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and directing that the public school accommodation therein mentioned as required be supplied.

ELEMENTARY EDUCATION ACT, 1876.

(39 & 40 VICT. c. 79.)

Regulation as to employment of child under ten, and certificate of education or previous school attendance being condition of employment of child over ten.

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child (*a*)—

(1.) Who is under the age of ten years; or

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts (*b*), or of any bye-law of the local authority (herein-after mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

(*a*) "Child" means a child between the age of 5 and 14 years: Sec. 48.

(*b*) See Sec. 4 of the Elementary Education Act, 1880, *post*, p. 281.

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

Enforcement of Act by school board or school attendance

7. The provisions of this Act respecting the employment of children shall be enforced—

(1.) In a school district within the jurisdiction of a school board, by that board; and

(2.) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish.

committee of existing local authority or by inspectors of factories or mines.

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians.

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions.

16. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

Establishment, &c., of day industrial schools.

Any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school

by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act (a), and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made revoke and vary, regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as minutes of the Education Department relating to the annual parliamentary grant.

(a) The standards set forth in the First Schedule are as follows—

For the purpose of Employment.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(A) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be [two hundred and fifty] (a) attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not.

(a) Altered to 350 by Sec. 7 of the Elementary Education Act, 1900.

Returns of registrars of births and deaths to school boards.

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and

births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

39. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Exemption of employer on proof of guilt of some other person.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

ELEMENTARY EDUCATION ACT, 1880.

(43 & 44 VICT. c. 23.)

4. Every person who takes into his employment a child of the age of ten and under the age of thirteen years (*a*) resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a bye-law in force in the district for the total or partial exemption of children of the like age

Enforcing of bye-laws.

39 & 40 Vict.
c. 79. from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly (b).

(a) By Sec. 6 of the Elementary Education Act, 1900, the age is raised to 14 years.

(b) In factories and workshops the provisions of this section are enforced by factory inspectors (see Sec. 7 (2) of the Act of 1876, *ante*, p. 279). As to the penalty, see Sec. 6 of the Act of 1876, *ante*, p. 278.

EDUCATION (SCOTLAND) ACT, 1901.

(1 Edw. VII. c. 9.)

School
attendance.

2. It shall not be lawful for any person to take into his employment any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not obtained exemption from the obligation to attend school from the school board of the district in the manner provided in the next following section; nor shall any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not been exempted from the obligation to attend school in manner aforesaid, be employed in any casual employment, as defined by section six of the Education (Scotland) Act, 1878, after nine o'clock at night, from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April.

41 & 42 Vict.
c. 78.

Provided that nothing in this section shall prevent any employer from employing any child who is lawfully employed by him or by any other person at the date of the commencement of this Act.

Power to
grant partial
exemption
from school
attendance on
conditions.

3. It shall be lawful for any school board, where after due inquiry in each case the circumstances seem to justify such exemption, to grant exemption from the obligation to attend school to individual children over twelve years of age, for such time and upon such conditions, if any, as to the amount and manner of further attendance at school until the age of fourteen, as the school board shall think fit; and such exemption shall exempt the parent of such child from any prosecution or other proceeding under the Education Acts for neglecting to provide for the education of such child.

Provided that any school board granting such exemption to individual children shall keep a register wherein shall be entered the names of children so exempted, and a statement of the circumstances in which and the conditions upon which such exemption has in each case been granted.

Provided also that the Department shall have power, when it sees fit, to call upon any school board for a return of the children to whom such exemption has been granted, and of the circumstances in which and the conditions upon which such exemption has in each case been granted; and if, after due inquiry, the Department is satisfied that such exemption has been granted by any school board in circumstances which did not justify its being so granted, or that the conditions on which such exemption has been granted are insufficient, or that the attendance of scholars within the district of such school board, or any part thereof, is unsatisfactory, the Department may call upon such school board to recall such exemption, or to take steps to improve the attendance; and if the said school board fail to do so within a reasonable time, it shall be lawful for the Department to withhold or reduce the parliamentary grant made to the said school board under section 67 of the Education (Scotland) Act, 1872.

Revised Regulations of the 21st March, 1901, as to Certificates of Age, Proficiency, and School Attendance.

(ELEMENTARY EDUCATION ACT, 1876, s. 24.)

Certificates of Age.

1. A certificate of the date of a child's birth will be granted by a registrar or superintendent registrar of births and deaths on presentation of a requisition in a form prescribed for the purpose by the Local Government Board, pursuant to the 20th section of the Factory and Workshop Act, 1891. The prescribed form of requisition is annexed to this Order (Schedule I.). The fee for such certificate is not to exceed 6*d.* (*Order of Local Government Board, dated 20th October, 1891.*)

2. A statutory declaration of the date of a child's birth, made by the parent of the child before a magistrate, may be accepted by the local authority in place of a registrar's certificate. The declaration shall be made on the form annexed to this Order (Schedule II.).

3. When a local authority, under the power given by the 26th section of the Elementary Education Act, 1876, have obtained a return of the births of children in their district which will enable them to grant age certificates to individual children, they shall, on the application of any parent or other person interested in the education or employment of a child, grant such certificate under the hand of their clerk, or other officer deputed for the purpose, for a fee not exceeding 4*d.* for each child. This certificate is to be given in the form herein-after prescribed for labour certificates (Schedule III.), or, in the case of a child over thirteen years of age, in the form prescribed in Schedule IV.

Certificates of Proficiency.

4. Certificates of proficiency are certificates of having reached or passed any standard prescribed by the Code. To reach or pass a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

5. At any visit of an inspector to any public elementary or other certified efficient school, the managers are required to admit to examination, and the inspector to examine for a certificate of proficiency, any child over twelve years, or if the child is to be employed in agriculture under any byelaw made under section 1, Elementary Education (School Attendance) Act, 1893, Amendment Act, 1899, over eleven years of age, whether a scholar in the school or not, if the child's parent or guardian or the local authority apply for the child to be examined for such a certificate; but the inspector is at liberty to refuse to examine any child for whose examination due provision is made elsewhere, or any child who has not been instructed for at least six months in the standard in which he is presented, or who has failed in that standard at an examination held in the previous three months.

6. The inspector may, in concert with the local authority, hold such special examinations as he may think necessary of children over eleven years of age, whom their parents or guardians or the local authority wish to be examined for certificates of proficiency.

7. The inspector does not grant certificates to individual children, but after every examination held as above he sends to the managers of the school, or in the case of a special examination to the local authority, a schedule containing the names of the children who have passed in all the three elementary subjects in any standard, with a certificate that such children have reached the standards entered opposite to their names.

8. If the local authority do not make arrangements to obtain from the managers a copy of so much of this schedule as they require, they may accept a certificate under the hand of the principal teacher of any certified efficient school as evidence that any scholar in such school has been certified by one of His Majesty's inspectors to have reached a particular standard. The principal teacher shall give such certificate, free of charge, in the form given in the second column of Certificate No. 1 in the Third Schedule to this Order, or, in the case of a child over thirteen years of age, and employed under the provisions of the Elementary Education Act, 1876, in the form given in the Fifth Schedule to this Order.

Certificates of School Attendance.

9. Any local authority, parent, or other person interested in the employment or education of a child over twelve and under fourteen, may require the principal teacher for the time being of any certified efficient school, which such child has attended, to furnish a certificate specifying the number of school attendances made by the child in the school during each year, for which the school registers are preserved.

10. The teacher shall give such certificate in the form annexed to this Order (Schedule VI.), in the first case free of charge, and for a fee not exceeding 1*d.* for each year's attendances in the case of the second or any subsequent certificate, that may be demanded in respect of such child.

Labour Certificates.

12. Any parent or other person interested in the employment or education of any child may apply to the local authority of the district in which the child resides for a labour certificate. The applicant must present to the local authority the evidence of age prescribed above; he must further present *either* the certificate of proficiency, *or* that of school attendance prescribed above, and the local authority, if they are satisfied that the child is qualified for total or partial exemption from school attendance under the byelaws of the district, or for employment in agriculture under any byelaw made in that behalf, or for employment under the First Schedule to the Elementary Education Act, 1876, shall furnish the certificate asked for in one of the forms given in the Third Schedule to this Order.

Workhouse Schools.

16. In the case of Workhouse Schools, certified to be efficient by the Local Government Board, and in which registers of attendance are duly kept, pursuant to a General Order of the said Board,—

- (1.) The term "attendance" has the meaning prescribed by the Order of the Local Government Board dated 27th of October, 1877.
- (2.) Certificates of school attendance will be granted to the scholars, by one of the principal teachers of the school, or by the clerk, or other officer of the guardians deputed for the purpose.
- (3.) Certificates of proficiency will be granted, after examination, by one of the school inspectors of the Local Government Board, and not by His Majesty's inspectors.

Board of Education. Form 123.

SCHEDULE I.

REQUISITION TO REGISTRARS FOR CERTIFICATES OF BIRTH.

SCHEDULE.

Requisition for a Certified Copy of an Entry of Birth for the purposes of the Factory and Workshop Act, 1891, or for any purpose connected with the Elementary Education or Employment in Labour of a Child or Young Person under the Age of Sixteen Years.

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the register in which the birth of the under-mentioned child or young person is registered.

I, the undersigned, hereby demand for the purposes above-mentioned, or some or one of them, a certificate of the birth of the child or young person named in the subjoined schedule.

Christian Name and Surname of the Child or Young Person of whose Age a Certificate is required.	Names of the Parents of such Child or Young Person.		Where such Child or Young Person was Born.	In what Year such Child or Young Person was Born.
	Father.	Mother.		

Dated this day of 19 .
 Signature
 Address
 Occupation

Board of Education. Form 123 (a).

SCHEDULE II.

Statutory Declaration by Parent, 44 & 45 Vict. c. 41, s. 68.

I hereby solemnly declare that _____ was born on the
day of _____ A.D.

And I make the above declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

Declared before me at	_____	in	_____
the (a)	_____	of	this
	_____	day of	19 .
(Signed)	_____	,	(Signed)
Justice of the Peace for	_____		
the (a)	_____	of	_____
(a) County or Borough.			

Board of Education. Form 146 (a).

SCHEDULE III.

School District of _____

Labour Certificate, No. 1.

Age and Employment.

I certify that *A.B.*, residing at _____ was on the _____ day of _____ 19____, not less than twelve years of age, having been born on the _____ day of _____ 1____, as appears by the registrar's certificate [or the *statutory declaration*] now produced to me, (a) and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) _____,
(b) Clerk to the (c)
for the above district.

Proficiency.

I certify that *A.B.*, residing at _____ has received a certificate from _____ one of His Majesty's Inspectors of Schools, that he (or she) has (d) reached the _____ Standard.

(Signed) _____,
Principal Teacher of the
School.

or (b) Clerk to the (c)
for the above district.

(a) Strike out what follows if the child is qualified for full time employment.

(b) Or other officer.

(c) School Board or School Attendance Committee.

(d) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

Board of Education. Form 146 a (1).

School District of .

*Labour Certificate, No. 1 (a) (for total exemption after 13 years of age).***Age and Employment.**

I certify that *A.B.*, residing at _____ was on the _____ day of _____ 19____, not less than thirteen years of age, having been born on the _____ day of _____ 1____, as appears by the registrar's certificate [or the statutory declaration] now produced to me, and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) _____,

(a) Clerk to the (b)
for the above district.

Previous Attendance.

I certify that *A.B.*, residing at _____ has made 350 attendances in not more than two schools during each year for five preceding years, whether consecutive or not, as shown by the (c) certificate furnished by the Principal Teacher of the (d) _____ School.

(Signed) _____,

(a) Clerk to the (b)
for the above district.

(a) Or other officer.

(b) School Board or School Attendance Committee.

(c) For this certificate see Schedule VI.

(d) Here name school or schools in which the attendances have been made.

N.B.—In districts where the bye-laws extend to the age of 14, this certificate can only be granted if the bye-laws permit full time exemption on an attendance qualification.

Board of Education. Form 146 (b).

School District of .

*Labour Certificate, No. 2 (for partial exemption only).***Age and Employment.**

I certify that *A.B.*, residing at _____ was on the _____ day of _____ 19____, not less than twelve years of age, having been born on the _____ day of _____ 1____,

Previous Attendance.

I certify that *A.B.*, residing at _____ has made 300 attendances in not more than two schools during each year for five preceding years, whether

Labour Certificate, No. 2—continued.

day of 1 , as appears by the registrar's certificate [or the statutory declaration] now produced to me, and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) ,
(a) Clerk to the (b)
for the above district.

consecutive or not, as shown by the (c) certificate furnished by the Principal Teacher of the (d) School.

(Signed) ,
(a) Clerk to the (b)
for the above district.

- (a) Or other officer.
(b) School Board or School Attendance Committee.
(c) For this certificate see Schedule VI.
(d) Here name school or schools in which the attendances have been made.

Board of Education. Form 144 (a).

SCHEDULE IV.

(The following certificate applies only to cases of children over 13 years of age.)

Certificate of Age for the purpose of Employment under Section 5, Elementary Education Act, 1876.

I certify that A.B., residing at , was on the day of 19 , not less than thirteen years of age, having been born on the day of 1 , as appears by the Registrar's certificate [or the statutory declaration] now produced to me.

Signed
Clerk to the (a)
of

- (a) School Board or School Attendance Committee.

APPENDIX C.

Board of Education. Form 144 (b).

SCHEDULE V.

(The following certificate applies only to cases of children over 13 years of age.)

Certificate of Proficiency for the purpose of Employment under Section 5, Elementary Education Act, 1876.

I hereby certify that *A.B.*, residing at _____ has received a certificate from _____, one of His Majesty's Inspectors of Schools, that he (or she) has reached (a) the standard of reading, writing, and elementary arithmetic fixed by Standard IV. of the Code of 1876.

Signed _____,

Principal Teacher of the _____

School,

or Clerk to the (b)

of _____

(a) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

(b) School Board or School Attendance Committee.

Board of Education. Form 144 (c).

SCHEDULE VI.

Certificate of School Attendance for the purpose of Employment under Section 5, Elementary Education Act, 1876, or for total or partial Exemption under the Bye-laws.

(a) School.

I hereby certify that the following particulars with respect to the attendances made by the child named below, at this school after attaining the age of 5 years, are correctly taken from the registers of the school.

Name in full, and Residence of Child.	Number of Attendances made within the 12 months ending the 31st December.
	1
	1
	1
	1
	1

Signed this _____ day of _____ 19 .

Principal Teacher of the above-named School.

(a) Enter name in full, and state whether a public elementary, or certified efficient school.

APPENDIX D.

LIST OF NOTICES AND DOCUMENTS REQUIRED TO BE AFFIXED IN THE FACTORY OR WORKSHOP OR SERVED ON AN INSPECTOR.

Notices, &c., to be affixed and sent to the Inspector for the District.

- Sec. 35. Notice of annual holidays and half holidays.
(This notice must be affixed and a copy sent to the inspector during the first week in January.)
- Sec. 35. Notice of any change in holidays or half holidays.
(To be affixed and sent not less than fourteen days before the holiday or half holiday to which it applies.)
- Secs. 36, 60. Notice of intention to employ women and young persons between 9 a.m. and 9 p.m., in pursuance of special exception granted by Special Order of the Secretary of State.
- Secs. 37, 60. Notice of intention to employ male young persons above 16 in lace factories between 4 a.m. and 10 p.m.
- Secs. 38, 60. Notice of intention to employ male young persons above 16 in bakshouses between 5 a.m. and 9 p.m.
- Secs. 39, 60. Notice of intention to work continuously for five hours without an interval for a meal.
(This is permitted in certain textile factories.)
- Secs. 40, 60. Notice of intention to allow different meal times for different sets, and to employ women, young persons, or children during meal times.
- Secs. 41, 60. Notice of intention to employ young persons or women in pursuance of special exception to prevent destruction or spoiling of fish or fruit.
- Secs. 42, 60. Notice of intention to employ women or young persons in pursuance of special exception in the case of creameries.
- Secs. 43, 60. Notice of intention to substitute another day for Saturday.
(This exception may be granted by Special Order to any class of non-textile factories or workshops.)

- Secs. 44, 60. Notice of intention to employ women or young persons on Saturday until 4.30, in Turkey red dyeing.
- Secs. 45, 60. Notice of intention to allow different annual whole or half holidays to different sets.
(This exception may be granted by Special Order to any class of non-textile factories or workshops.)
- Secs. 46, 60. Notice of intention to employ persons inside and outside the factory or workshop on the same day.
(This may be permitted by Special Order. There is no Order in force at present.)
- Secs. 47, 60. Notice of intention by Jewish occupier to employ women and young persons extra time on week-days, or on Saturday evenings, instead of on Saturdays.
- Secs. 48, 60. Notice of intention by Jewish occupier to employ Jewish women or young persons on Sunday instead of Saturday.
- Secs. 49, 60. Notice of intention to employ women overtime for press of work.
(This is permitted in certain non-textile factories and workshops.)
- Secs. 50, 60. Notice of intention to employ women overtime on perishable articles.
- Secs. 51, 60. Notice of intention to employ women, young persons, or children overtime on incomplete process.
- Secs. 52, 60. Notice of intention to employ women or young persons overtime in factories driven by water.
- Secs. 53, 60. Notice of intention to employ women or young persons overtime to prevent damage in Turkey red dyeing or open-air bleaching.
- Secs. 54, 60. Notice of intention to employ male young persons of 14 during the night.
(Permitted in certain non-textile factories and workshops.)
- Secs. 55, 60. Notice of intention to employ male young persons of 14 during the accustomed hours of the works in glass works.
- Secs. 56, 60. Notice of intention to employ male young persons of 16 during two nights a week in newspaper printing.
- Secs. 57, 60. Notice of intention as to employment of women in flax scutch mills worked intermittently, and conducted on the system of not employing children or young persons.
- Secs. 92, 96. The readings of thermometers in cotton cloth and other humid factories.
(These must be forwarded to the inspector at the end of each month.)

Notices to be affixed in the Factory or Workshop, and sent to such Inspector as the Secretary of State, by declaration published in the London Gazette or otherwise, directs.

Sec. 30. Notice as to eight hours' employment on Saturday.

(In a non-textile factory or workshop any woman or young person who has not been employed for more than eight hours on any day in a week, may be employed for eight hours on Saturday.)

Sec. 32. Notice of an intention to change the period of employment, times for meals, or system of employment of children.

Notices, &c., to be sent to the Chief Inspector of Factories.

Secs. 93 (1), 96. Notice of the production of humidity by artificial means in cotton cloth and other humid textile factories.

Secs. 93 (3), 96. Notice of the cessation of the production of humidity by artificial means in cotton cloth and other humid factories.

Sec. 130. Periodical returns of persons employed to be sent at intervals of not less than one nor more than three years.

Notices, &c., to be sent to the Inspector for the District.

Sec. 127. Notice of occupation of factory or workshop.

(To be sent within one month after the commencement of the occupation.)

Sec. 19. Notice of any accident causing death or bodily injury.

(In certain cases this notice must also be sent to the certifying surgeon for the district.)

Sec. 60 (4). Report containing particulars of the employment of any woman, young person, or child in pursuance of any special exception.

Sec. 73 (3). Notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in the factory or workshop.

(This notice must also be sent to the certifying surgeon for the district.)

Notices, &c., to be sent to such Inspector as the Secretary of State, by declaration published in the London Gazette or otherwise, directs.

Sec. 29. Notice of intention to conduct workshop on the system of not employing either children or young persons; and notice of intention to change such system.

Sec. 57. Notice of intention to conduct flax scutch mill on the system of not employing children or young persons.

Sec. 107. Such copies of or extracts from lists of outworkers as the inspector may from time to time require.

(Copies of these lists must also be sent half-yearly to the district council.)

Sec. 129. Such extracts from the general register as the inspector from time to time requires.

Notices, &c., to be affixed in the Factory or Workshop.

Sec. 3. Notice specifying the number of persons who may be employed in each room of the factory or workshop.

Sec. 32. Notice specifying the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

Sec. 60 (4). Notice containing prescribed particulars respecting overtime employment.

Sec. 77. Notice of prohibition of employment of young persons and children in certain factories and workshops.

Sec. 78. Notice of parts of certain factories and workshops in which women, young persons, and children may not be allowed to remain during meal times.

Sec. 86 (Sec. 11 of the Act of 1891). Printed copies of Special Rules or Regulations in trades certified to be dangerous.

(A printed copy of such Rules or Regulations must be given by the occupier to any person affected, on application.)

Secs. 92, 96. In the case of cotton cloth and other humid factories, a copy of the table set out in the Fourth Schedule.

Sec. 116. Particulars of work and rate of wages for piece-workers.

Sec. 128. The prescribed abstract of the Act.

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Notice of the name and address of the certifying surgeon for the district.

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THE END.

County Courts.—The Annual County Courts Practice; containing the Jurisdiction and Practice under the County Courts Act, the Bills of Exchange Act, and the Employers' Liability Act, and the Statutes, Rules of Practice, Forms and Tables of Fees and Coats. By His Honour Judge SMYLY. 2 vols. 25s.

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